

TSD File Inventory Index

Date: March 1, 2007

Initial: S. DeRose

Facility Name: <u>Manistigue Papers, Inc.</u>		
Facility Identification Number: <u>MTD 981 192 628</u>		
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A.2 Part A / Interim Status <u>A.2</u>	<u>1</u>	.1 Correspondence
.1 Correspondence		.2 All Other Permitting Documents (Not Part of the ARA)
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.4 Financial Insurance (Sudden, Non Sudden)		.1 Land Disposal Restriction Notifications
.5 Change Under Interim Status Requests		.2 Import/Export Notifications
.6 Annual and Biennial Reports		C.3 FOIA Exemptions - Non-Releasable Documents <u>C.3</u>
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.2 Closure/Post Closure Plans, Certificates, etc <u>A.4.4</u>	<u>1</u>	D.2 Corrective Action/Facility Investigation
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		5. RFI QAPP

TOTAL - 14

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1			

Note: Transmittal Letter to Be Included with Reports.

Comments: _____

PI - JATOT

Box 1 of 4

ID # MID 981 192 628

[illegible]

File Inventory Sheet		Box 2 of 4
File Series: Manistique Papers RCRA 223		
ID # MID 981 192 628		
Folder #	Date	Folder Description
1	6/98-12/21/99	A.3.4 GC/MS Semivolatile QC Summary Data -Quanterra Inc.
2	5/98-12/21/99	A.3.4 GC/MS volatile QC Summary Data -Quanterra Inc.
3	6/98-12/21/99	A.3.4 Inorganic QC Summary Data - Quanterra Inc.
4	6/98-12/21/99	A.3.4 Inorganic QC Summary Data - Quanterra Inc.

File Inventory Sheet**Box 3 of 4****File Series: Manistique Papers, Inc. RCRA 223****ID # MID 981 192 628**

Folder #	Date	Folder Description
1	5/98-12/21/99	A.3.4 Polychlorinated Biphenyls - Quanterra Inc.
2	12/21/99	A.3.4 Samples Received 11/22/97 - Intertek Testing Service
3	12/21/99	A.3.4 Organic Analysis Data, Samples Received 11/21/97 - ITS Dallas- Lab v. 1 of 2
4	12/21/99	A.3.4 Samples Received 11/21/97 - Intertek Testing Service v. 2 of 2

File Inventory Sheet		Box 4 of 4
File Series: Manistique Papers, Inc. RCRA 223		
ID # MID 981 192 628		
Folder #	Date	Folder Description
1	12/21/99	A.3.4. Samples Received 11/20/97 - Intertek Testing Service
2	12/21/99	A.3.4 Samples Received 11/19/97 - Intertek Testing Service

James Cha

03/04/02 09:52 AM

To: David Schulenberg/R5/USEPA/US@EPA
cc: Deborah Garber/R5/USEPA/US@EPA, Diane
Sharrow/R5/USEPA/US@EPA

Subject: Manistique Papers

Dear Dave:

Attached is a draft close out letter for Manistique Papers. If it's acceptable, I will route it through sign-off.

Diane, MPI's attorney wanted similar comfort language for potential RCRA violations. I explained that it was not Mr. Boyle's policy to issue comfort or "no action" letters, but I promised that I would ask you (again). Would your office be willing to send a comfort / "no action" letter? Either way is fine with me. Thanks for your patience. :-)

Sincerely,

James Cha



MPI.vol-com.lt.wpd

FIRST CLASS MAIL

March __, 2002

Mr. Steven Nadeau
Honigman, Miller Schwartz and Cohn
2290 First National Building
660 Woodward Avenue
Detroit, Michigan 48226-3583
FAX: (313) 465-7493

Re: Manistique Papers

Dear Mr. Nadeau:

The United States Environmental Protection Agency ("U.S. EPA" or "the Agency") has been investigating possible violations of Sections 402 and 404 of the Clean Water Act ("CWA"), 33 U.S.C. §§ 1342 and 1344, in the Residuals Management Area (RMA) operated by Manistique Papers, Inc. ("MPI"). The Agency has reviewed information submitted by Manistique Papers, Inc. ("Manistique Papers") in response to a CWA Section 308 Request for Information, as well as information furnished by your client in response to an information request issued under Section 3008 of RCRA.

U.S. EPA understands that Manistique Papers has granted a conservation easement to the State of Michigan covering a total of forty (40) acres of wetland within an area known as Gould's Slough. The Agency believes that granting this conservation easement to the MDEQ would constitute an acceptable resolution of any potential CWA Section 402 and 404 violations in the RMA that U.S. EPA has identified based on currently available information. In view of this conservation easement, and on the basis of the information currently within the possession of U.S. EPA, the Agency does not anticipate taking any further enforcement action against Manistique Papers under the CWA with respect to suspected CWA violations within the RMA. U.S. EPA reserves the right to bring an enforcement action should additional information come to light which reveal unidentified violations.

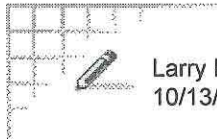
Sincerely,

Jo-Lynn Traub

Director
Water Division

VERBAL COMMUNICATION REPORT

FACILITY NAME & LOCATION Manistique Papers Inc Manistique, MI	N.P.D.E.S. PERMIT MI 00 03166 FACILITY NO. 770008
REASON(S) FOR CALLING (Please check) <input type="checkbox"/> A. Schedule Violations <input checked="" type="checkbox"/> B. Effluent Violations <input type="checkbox"/> C. Not Reporting <input type="checkbox"/> D. Follow-up to Previous Notification <input checked="" type="checkbox"/> E. Other (Please specify) <u>Complaint</u>	CONTACT DATE: <u>03</u> <u>28</u> <u>84</u> MO. DAY YEAR DATE OF VIOLATION _____ MO. DAY YEAR OUTFALL(S) NOS. <u>000, 005, 008,</u> <u>004, 006</u>
DESCRIPTION OF VIOLATION(S) AND DIRECTIVE INSTRUCTIONS News reporter investigating rumor mill is discharging 80000 gpd of untreated waste water to Manistique River. Manistique Papers called this office for support. I talked to reporter and told him we have all points of discharge under control of NPDES permit - no unauthorized discharges from mill to river.	
MITIGATION CIRCUMSTANCES? No _____ if yes please specify: _____ WRITTEN RESPONSE REQUESTED? No _____ if yes include due date: _____ DATE OF RESPONSE LETTER: _____ MO. DAY YEAR IS RESPONSE ADEQUATE? Yes _____ if no, please <u>attach</u> reasons & follow-up action(s) ADDITIONAL COMMENTS: (Please attach) WRITTEN BY <u>David William</u> DATE: <u>3/29/84</u>	



Larry Kyte
10/13/2000 05:15 PM

To: Connie Musgrove cc: Diane Sharrow, Deborah Garber
Subject: RE:Manistique

Connie, I will check my recent notes on this from a conversation with Diane Sharrow. But I understand the situation as follows. We were investigating the company for possible RCRA violations although this may have been part of an overall multi-media investigation.

We took samples of the waste pile. The company also took splits. The results of neither our ITS-ENV or the company's splits of that set of samples showed levels that would subject them to RCRA. After the ITS-ENV concerns became known, we decided to resample the piles. (I guess we may have been able to rely on the company's sample results, but we were not satisfied that we had sampled in all the right places anyway.) It was not possible to resample the waste pile in all the same places due to changes in the waste pile itself. So some may have difficulty saying that the samples were comparable because they are from different places at the site for different reasons. In the end, however, even EPA's new samples failed to show actionable levels.

Keep in mind, that this was an enforcement investigation. Maybe we should have sampled in more places the first time. I don't know, but sometimes an investigation is a learning process.

Diane, have I summarized this situation correctly? (Diane was the technical assignee on the site at the time.)

Connie Musgrove



Connie Musgrove
10/13/2000 03:22 PM

.....

To: Larry Kyte

Two of us have read this differently. Can you look at Fred's comments on Manistique and see if what he says is true. I had interpreted this as now having 3 sets of data, all of which shows no hazard, and the resampling done by the agency(?) was appropriate for what and when we did it.----- Forwarded by Connie Musgrove/DC/USEPA/US on 10/13/2000 05:19 PM -----

Frederic Siegelman
10/13/2000 03:35 PM

To: Karen Donis/DC/USEPA/US@EPA
cc: Connie Musgrove/DC/USEPA/US@epa, Don
Olson/DC/USEPA/US@epa, Nancy
Wentworth/DC/USEPA/US@epa
Subject: Re: Updated chart...

Karen
Good job, but how could I resist such an offer. My comments are attached.
Fred
Karen Donis

Karen Donis

10/13/2000 12:35 PM

To: Connie Musgrove/DC/USEPA/US@EPA, Don
Olson/DC/USEPA/US@EPA, Nancy
Wentworth/DC/USEPA/US@EPA, Frederic
Siegelman/DC/USEPA/US@EPA

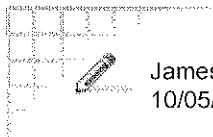
cc:

Subject: Updated chart...

Only if you want to review the chart again... I am sending an updated version of the chart. I have redlined the areas where I think we still need clarification. I have not yet heard from region 6, so I took Connie's advise and put checks in the "region still assessing column" for all the RCRA sites that were identified as "CACO signed" or AO signed. I will change that information when I receive an update from the Region. I know that Tim has requested updates from the RCRA office.



itsdata11f.w



James Cha
10/05/99 04:48 PM

To: Allan Batka/R5/USEPA/US@EPA, David Schulenberg/R5/USEPA/US@EPA, Diane Sharrow/R5/USEPA/US@EPA
cc: Deborah Garber/R5/USEPA/US@EPA

Subject: Manistique Papers

Dear All:

I spoke with Michigan Assistant A.G. Peter Manning (Dave and Allan, you may recall him from the Bay-Houston cases) regarding the situation at Manistique Papers, Inc. Per his request, I sent him copies of the two TechLaw reports (March and August, 1998), the 308 response, the 1940 soil survey, and the NPDES permit and attached PERMs. Peter will speak with his program counterparts at the Michigan DEQ. Dave, do you think we should alert the Corps' Detroit dist. office? I'm not sure if they would be able to take any action; first, the State of Michigan seems to have sole jurisdiction over any CWA 404 violations (with EPA oversight), by virtue of the delegation of authority in 1994; second, aside from the delegation issue, the Corps' regulations define "fill material" to exclude material discharged into wetlands/other waters "for the primary purpose of disposal." Since MPI's activities were for the primary purpose of disposal, the Corps' regulations probably would not apply. Nonetheless, if you think it best, we can share the information with the Corps.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

FIRST CLASS MAIL

August 31, 1999

Mr. Dale K. Pape, Sr.
3320 Hwy 577
Wallace, Michigan 49893

Dear Mr. Pape:

Enclosed, please find copies of the following documents:

1. Clean Water Act Section 308 Information Request, dated May 5, 1999.
2. Response to CWA Sec. 308 Information Request, from Manistique Papers, Inc., dated August 6, 1999 (without attachments).

Should you have any questions, please do not hesitate to contact me at (312) 886-0813.

Sincerely,

A handwritten signature in cursive script, appearing to read "James J. Cha".

James J. Cha
Associate Regional Counsel

Dear Mr. Cha:

Ms. Sharrow, has referred my request to your office for update and status of the USEPA inspection and final report on the above referenced subject, I would appreciate an answer from your office on these matters.

I have recently visited the above site and found that the dumping practices have not changed and can only assume that the EPA has decided to take no action. If this is the case could you explain how and why a dump containing PCB's is allowed to remain in operation and why the USEPA has sought no remedy for the protection of the environment nor human health for this area mentioned.

If the USEPA has completed a final report from the inspection done on June 1998, could I please obtain a copy of such report.

Sincerely,

Dale K. Pape, Sr. enviro@cybrzn.com or call me at (906) 863-9534 Thanks.

From: JAMES CHA
To: R5WST.R5RCRA(SHARROW-DIANE)
Date: 4/26/99 4:03pm
Subject: MPI -Reply

*MPI
File*

Dear Diane:

The memo is dated July 31, 1998.

>>> DIANE SHARROW 04/26/99 12:10pm >>>

James,

When you get a chance, could you send me the date of the memo where RCRA referred MPI to Water Div? Since you have all my files, I can't give that date to Joe since I don't have an electronic copy either.

Thanks

P.S. How is the 308 going?

Diane M. Sharrow
Environmental Scientist
Michigan - Wisconsin Section
Enforcement & Compliance Assurance Branch
Waste, Pesticides and Toxics Division
77 W. Jackson Blvd.
Chicago, IL 60604-3590
EMAIL: Sharrow.Diane@epa.gov
FAX: (312) 353-4342

MPI

From: JAMES CHA
To: R5WTR.R5WCB1.BRAMSCHER-THOMAS, R5WTR.R5WCB1.BATKA-...
Date: 10/28/98 12:01pm
Subject: Manistique Papers

Dear All:

Remember this matter, the huge 30 acre waste sludge pile in a wetland? For a variety of reasons, this may be a CWA 402 matter rather than a CWA 404 matter, despite the fact that it involves solid waste disposed into a wetland. CWA Section 404 deals with discharges of dredged or fill material into waters of the U.S. (including wetlands). The Army Corps of Engineers regulations define "fill material" to explicitly exclude material discharged into waters of the U.S. for the primary purpose of disposal. The regulation further provides that such discharges are regulated under Section 402. There are court cases that tend to support this interpretation of the regulations. [more below]

Anyway, given that, legally, this potential case is a 402 matter, would it be handled principally by the NPDES branch? Or would Wetlands Watersheds still be the program office? Sorry to raise yet another conundrum.

CC: R5WST.R5RCRA.SHARROW-DIANE, GARBER-DEBORAH



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

OCT 05 1998

REPLY TO THE ATTENTION OF

R-19J

Dale K. Pape, Sr.
3320 Hwy 577
Wallace, Michigan 49893

Dear Mr. Pape:

Thank you for your letter, dated September 18, 1998. In your letter, you asked my office to provide you with an opinion regarding the applicability of "Sec. 13.30(48) of the Michigan Hazardous Waste Act, under RCRA" to your request for reimbursement of costs incurred in legal actions related to the Manistique Papers, Inc. Residuals Management Area (RMA). In a letter, dated September 14, 1998, this office informed you that it was not aware of any legal authority that would allow for the reimbursement of your costs as you requested in your letter, dated August 24, 1998, to Ms. Carol Browner.

As an initial matter, it is inappropriate for U.S. EPA to provide you with legal advice. You should seek your own legal counsel. The contents of this letter should not be construed by you as legal advice, but as U.S. EPA's position in this matter.

U.S. EPA assumes that you intended to refer to the Michigan Hazardous Waste Management Act, as there is no law named the "Michigan Hazardous Waste Act". Section 13.30(48) of the Michigan Hazardous Waste Management Act, MSA § 13.30(48), was repealed in 1994. Therefore, Section 13.30(48) of the Michigan Hazardous Waste Management Act is no longer the law in Michigan. Enclosed is a copy of the relevant portion of the Michigan Statutes Annotated which shows the cited section is repealed. Section 13.30(48) of the Michigan Hazardous Waste Management Act, MSA § 13.30(48) does not allow for the reimbursement of your costs. Nor is U.S. EPA aware of any other legal authority that would allow for the reimbursement of your costs as you have requested.

In addition, your lawsuit, Pape v. Browner, Civil Action No. 97-1833 (GK) (D. D.C.), was dismissed on July 17, 1998 by the U.S. District Court for the District of Columbia. As the district court noted in its opinion, your other citizen suits against Manistique Papers, Inc. have also been dismissed. *See, Pape v. Browner*, No. 97-1833 (GK), slip. op. at 5 (D.D.C. July 17, 1998). A copy of the opinion is enclosed. Your request that U.S. EPA reimburse your costs related to these actions has no legal basis. Therefore, U.S. EPA will not pay you for the reimbursement of your costs as you requested.

However, you should know that U.S. EPA does appreciate and respect the important role that citizens play in U.S. EPA's mission to protect human health and the environment. My staff will keep you informed of any formal enforcement action taken regarding the Residuals Management Area. In addition, you should be aware of U.S. EPA's Internet Site entitled "EPA Resources for Non-Profit Organizations," which may be found at <http://www.epa.gov/epahome/nonprof.htm>. This U.S. EPA Internet Site has many useful links to information you may find helpful, including information regarding funding for non-profit organizations. If you have any further questions or concerns, please feel free to contact Ignacio L. Arrázola, with U.S. EPA's Office of Regional Counsel, at (312) 886-7152. If you are represented by an attorney in this matter, your attorney should be on the telephone with you when you contact Mr. Arrázola.

Sincerely yours,

**ORIGINAL SIGNED BY
DAVID A. ULLRICH**

David A. Ullrich
Acting Regional Administrator

Enclosures

REGIONAL ADMINISTRATOR CORRESPONDENCE

RA- 9800079

STATUS PENDING

DUE DATE 10/5/98

EXTENSION DATE

RECEIVED DATE 9/24/98

DATE COMPLETED

FIRST NAME DALE K.

LAST NAME PAPE

ORGANIZATION PRIVATE CITIZEN

TO DAVID A. ULLRICH/ACTING REGIONAL ADMINISTRATOR

SALUTATION DEAR MR. PAPE

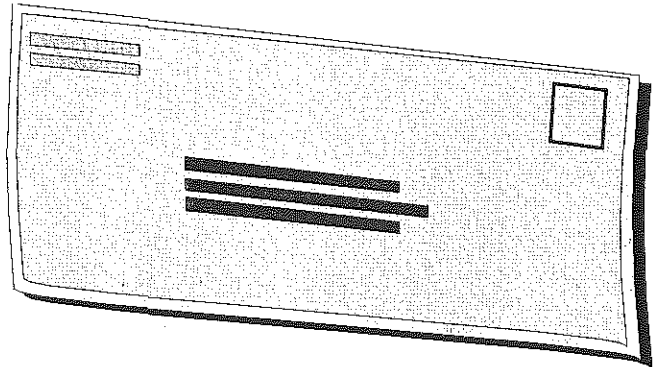
SUBJECT REQUEST FOR REIMBURSEMENT FOR COSTS INCURRED AS RESULT OF LEGAL ACTIONS
AGAINST MANISTIQUE PAPERS INC. RESIDUALS MANAGEMENT AREA

SIGNATURE REGIONAL ADMINISTRATOR

ASSIGNED TO ORC

BCCs KEN WESTLAKE, ORA W/COVER SLIP, ORA READING FILE

INSTRUCTIONS/COMMENTS



Kuyawa 9/25/98

By To Garber

bcc: ORA w/cover slip
 K. Westlake
 ORA Reading File
 ORC File
 Author (I. Arrázola)
 E. Hostetler, DOJ EDS

SIGN-OFF FOR THE OFFICE OF REGIONAL COUNSEL									
	<i>Attorney Paralegal</i>	<i>Section Secretary</i>	<i>Section Chief</i>	<i>Branch Secretary</i>	<i>Branch Chief</i>	<i>RC/DRC Secretary</i>	<i>DRC</i>	<i>RC</i>	<i>Other</i>
<i>Initial</i>	<i>SKA</i>	<i>QJH</i>	<i>JS</i>	<i>Mr. EJK</i>			<i>BAC</i>	<i>JS</i>	<i>KH</i>
<i>Date</i>	<i>10/1/98</i>	<i>10/2/98</i>	<i>10/2/98</i>	<i>10/2/98</i>	<i>10/2/98</i>		<i>10/2/98</i>	<i>10/2/98</i>	<i>10/5/98</i>

DM
10/5

From: JAMES CHA
To: R5WTR.R5WQB1.SCHULENBERG-DAVID
Date: 8/18/98 10:46am
Subject: Manistique Papers

Dear Dave:

My El Capitaz, Deb Garber, spoke with attorney Steve Nedeau, who represents Manistique Papers. The company may have aerial photographs of the site. Nedeau was of the somewhat uncertain opinion that part of the land on which the potential 404 violations have occurred may have been farmland at one time in the past. I realize that not much can happen before the close of FY 98, but can the matter be assigned to someone (unless you're prepared to take my hint and keep this case for yourself)? Thank you in advance for your patience. :)

From: DIANE SHARROW
To: R5CHG.IN("enviro@cybrzn.com")
Date: 8/10/98 8:11am
Subject: Manistique Paper Inc. -Reply

Mr. Pape,

I have just returned to the office today, after being in the field last week. As soon as I can I will check on the status of the Final Report. I then will have it duplicated and copies will be sent at the same time, to all interested and affected parties.

Your conclusions regarding EPA not taking any action are erroneous. As I have told you in the past, the Final Report will not include any determination on what EPA's future enforcement actions will be, if any. No decision has yet been made by the RCRA program. I cannot speak for the other media programs within EPA such as Wetlands and Water (NPDES). Until a RCRA decision is made, our deliberations are enforcement confidential.

As to your comment regarding test results. As I mentioned in the past, the number of samples taken at the RMA, (though expensive), are statistically small due to the size of the pile. As with any waste pile of such size, if no hazardous waste was found, it would be statistically difficult to conclude that there was absolutely no waste in the pile. The opposite would also be relevant. Even if there is haz waste found in the pile (remember that RCRA has to find a level that exceeds the listed or characteristic wastes found in 40 CFR), it would be difficult to conclude that the entire pile contains waste. Though one would suspect that there are hot spots or that the waste may have been "diluted" or "mixed" in with non-haz waste.

You are always welcome to question the EPA's decision. In addition to being in contact with me, you may also write or call the Regional Administrator's office - Ken Westlake is the contact for Michigan, as well as the Director of my Division (Norm Niedergang), and the Director of Water Division (Jodi Traub).

Respectfully,

Diane M. Sharrow
Waste, Pesticides & Toxics Division
Enforcement & Compliance Assurance Branch
Michigan/Wisconsin Section
77 W. Jackson Blvd., MailCode DE-9J
Chicago, IL 60604-3590
PH: 312-886-6199 FAX 312-353-4342
Sharrow.Diane@epamail.epa.gov

>>> "Dale K Pape Sr." <enviro@cybrzn.com> 08/05/98 11:01am >>>
Dear Ms. Sharrow

The testing and inspection the EPA has completed at the above subject, is the report been completed and is such available? I take it from our past communications that the USEPA intends not to take any actions on MPI no matter what such test show because of the quantity of sludge dumped at this site.

However I would appreciate receiving a copy of the test data and the USEPA recommendations as soon as possible thank you

Dale K. Pape, Sr.
3320 Hwy 577
Wallace, Michigan 49893
(906) 863-9534
e-mail enviro@cybrzn.com

From: DIANE SHARROW
To: R5CHG.IN("enviro@cybrzn.com")
Date: 8/10/98 8:37am
Subject: Manistique Papers Inc. USEPA Report and test data -Reply

Mr. Pape:

I will update you later today on the status. Please refer to my earlier message.

Thank you.

Diane M. Sharrow
Waste, Pesticides & Toxics Division
Enforcement & Compliance Assurance Branch
Michigan/Wisconsin Section
77 W. Jackson Blvd., MailCode DE-9J
Chicago, IL 60604-3590
PH: 312-886-6199 FAX 312-353-4342
Sharrow.Diane@epamail.epa.gov

>>> "Dale K Pape Sr." <enviro@cybrzn.com> 08/07/98 02:55pm >>>

Please inform me as to the status of the report on the above reference subject, and inform me when such will be available for me. please acknowledge to e-mail enviro@cybrzn.com Dale Pape, Sr.

From: "Dale K Pape Sr." <enviro@cybrzn.com>
To: DIANE SHARROW <SHARROW.DIANE@epamail.epa.gov>
Date: 8/7/98 2:55pm
Subject: Manistique Papers Inc. USEPA Report and test data

Please inform me as to the status of the report on the above reference subject, and inform me when such will be available for me. please acknowledge to e-mail enviro@cybrzn.com Dale Pape, Sr.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:
DE-9J

MEMORANDUM

DATE: 31 July 1998

FROM: Diane ^{MS}Sharrow, Enforcement and Compliance Assurance Branch
Waste, Pesticides and Toxics Division

TO: Allan Batka, Water Compliance Branch WC-15J and
✓ David Schulenberg, Wetlands and Watersheds Branch WW-16J
Water Division

RE: Manistique Paper, Inc. (MPI)
Manistique, MI
RCRA ID. NO.: MID 981 192 628

Than you for meeting with Deborah Garber, James Cha and I today. Attached are copies of a few of the background materials on MPI that I have collected over the past few years, primarily from State record review. Most of the attached pertains to the NPDES permit and wetlands. Please let me know if you would like to view any of these additional documents. I will forward a copy of the Final Report from the RCRA sampling visit to MPI in June 1998, within the next two weeks. Please contact me at 6-6199 if you have any questions.

Attachment

cc: Deborah Garber, ORC
James Cha, ORC

w/attachment

Hustette

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

DALE K. PAPE, SR.,

Plaintiff,

v.

CAROL M. BROWNER,
ADMINISTRATOR, U.S. ENVIRON-
MENTAL PROTECTION AGENCY,

Defendant.

Civil Action No. 97-1833 (GK)

FILED

JUL 20 1998

NANCY MAYER-WHITTINGTON, CLERK
U.S. DISTRICT COURTMEMORANDUM OPINION

This matter is before the Court on the Motion of Carol Browner ("Administrator") to Dismiss Plaintiff's Complaint [#6]. Plaintiff Dale K. Pape, Sr., a resident of Wallace, Michigan, brings this action pro se under the citizen suit provision of the Resource Conservation and Recovery Act of 1976 ("RCRA"), RCRA § 7002(a)(2), 42 U.S.C. § 6972(a), the citizen suit provision of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 ("CERCLA"), CERCLA § 310, 42 U.S.C. § 9659 (a)(2), and the Administrative Procedure Act ("APA"), 5 U.S.C. § 701 et seq.

Upon consideration of the Administrator's Motion, Plaintiff's Opposition, the Administrator's Reply and Notice of Supplemental Authority, Plaintiff's Response to Federal Defendant's Notice of Supplemental Authority, and the entire record herein, for the reasons discussed below, Defendant's motion is hereby granted.

90-7-3-38

I. BACKGROUND¹

The controversy in this case concerns a waste disposal site in Manistique, Michigan, owned and operated by Manistique Papers, Inc. ("MPI"). MPI used the site to deposit sludge dredged from the paper mill's former de-inking lagoon and primary treatment area. In 1986, finding PCB contamination in the deposited sludge, the Michigan Department of Natural Resources ("MDNR") placed the disposal site on the Michigan 307 environmental contamination priority list.² (Compl. ¶¶ 4(A), (C) & (D).)

Pape, a concerned environmentalist, claims that MPI continues to dispose of hazardous waste at the unlicensed Manistique site without a permit. (Compl. ¶ 12.) Pape commenced a series of civil suits to push MPI to cease the contamination and clean up the Manistique site. On February 1, 1995, Pape filed a RCRA action against MPI in the United States District Court for the Western District of Michigan, Northern Division, for its failure to comply

¹ For the purposes of ruling on a motion to dismiss, the factual allegations of the complaint must be presumed to be true and liberally construed in favor of the plaintiff. Shear v. National Rifle Ass'n of Am., 606 F.2d 1251, 1253 (D.C. Cir. 1979). Therefore, the facts set forth herein are taken from Plaintiff's Complaint.

² Michigan's Act 307 created a process to evaluate sites of environmental contamination in Michigan and to fund cleanup of those sites designated to be of the highest priority. The act defines "high priority sites" as those sites that release or have the potential to release hazardous substances that may endanger the environment or the public health, safety and welfare of the surrounding community. (Pl.'s Ex. 1.)

with the environmental provisions of that statute. The court dismissed the case without prejudice. (Compl. ¶ 4(G).) On March 8, 1995, Pape filed a CERCLA action against MPI in the United States District Court for the Western District of Michigan, Northern Division, also contesting MPI's management and use of said disposal site. The court dismissed the CERCLA action, holding that Pape had failed to establish concrete injury-in-fact and therefore lacked standing under the citizen suit provision of CERCLA. (Compl. ¶ 4(E).) On September 11, 1995, Pape filed another RCRA action against MPI in the United States District Court for the Western District of Michigan, Northern Division, regarding the Manistique site. Once again that court dismissed Pape's action, this time holding that he had failed to establish injury-in-fact sufficient for standing under the citizen suit provision of RCRA. Plaintiff was also fined \$18,162.00 in attorneys' fees for defendant's expenses. (Compl. ¶ 4(H) & (J).)

Pape claims he repeatedly notified the United States Environmental Protection Agency ("EPA") of the continued contamination of the MPI site. (Compl. ¶¶ 10-14.) Plaintiff brings the present action against the Administrator of EPA, under the citizen suit provisions of RCRA and CERCLA, as well as the APA, for the Administrator's alleged failure, despite notification, to enforce RCRA and CERCLA provisions at the MPI site. (Compl. ¶¶ 18-32.)

II. STANDARD OF REVIEW

Under Fed. R. Civ. P. 12(b)(6), a complaint shall not be dismissed for failure to state a claim for relief unless "it appears beyond a reasonable doubt that the plaintiff can prove no set of facts in support of his claim which would entitle him to relief." Conley v. Gibson, 355 U.S. 41, 45-6 (1957). Ordinarily, as already noted, the factual allegations of the complaint must be presumed true and liberally construed in favor of the plaintiff. Shear, 606 F.2d at 1253.

However, a complaint's factual allegations are subject to closer scrutiny under Fed. R. Civ. P. 12(b)(1) than under Rule 12(b)(6), and a court may consider materials beyond the pleadings when determining whether it has subject-matter jurisdiction. The burden of proof rests upon the plaintiff to show that the reviewing court has subject-matter jurisdiction. See, e.g., Gibbs v. Buck, 307 U.S. 66, 72 (1939); Payne v. District of Columbia, 559 F.2d 809, 820 (D.C. Cir. 1977).

III. ANALYSIS

Defendant argues that Plaintiff lacks standing to sue under sections 7002 (a)(2) of RCRA, and 310 (a)(2) of CERCLA. Those sections provide that, in general, any person may commence a civil action in federal court against any government officer, including the Administrator of the EPA, for failure to perform any nondiscretionary duty under the statutes' provisions. 42 U.S.C. §

6972(a)(2), § 9659 (a)(2). Defendant argues, however, that Plaintiff is collaterally estopped from suit because of the prior adverse judgments from the Michigan federal courts that he did not have standing under RCRA and CERCLA to contest the contamination of the MPI site. See Pape v. Manistique Papers, Inc., No. 2:95-73, (W.D. Mich. June 19, 1995) ("Pape I"); Pape v. Manistique Paper Co. Inc., No. 95-267, (W.D. Mich. Apr. 8, 1996) ("Pape II"). Consequently, Defendant asserts that pursuant to Fed. R. Civ. P. 12(b)(1) and 12(b)(6), Plaintiff's RCRA and CERCLA claims should be dismissed for lack of subject matter jurisdiction and for failure to state a claim upon which relief may be granted.

The doctrine of issue preclusion, or collateral estoppel, protects parties from the burden of relitigating an issue that was decided in a previous case. Blonder-Tongue Laboratories, Inc. v. Univ. of Illinois Foundation, 402 U.S. 313, 328-29 (1971). The doctrine serves to promote judicial economy and foster reliance on judicial action by minimizing the possibility of inconsistent decisions. Cutler v. Hayes, 818 F.2d 879, 888 (D.C. Cir. 1989). In order for the doctrine to apply, the issue in both suits must be the same, and the issue must have been "actually and necessarily determined by a court of competent jurisdiction." McCord v. Bailey, 636 F.2d 606, 609 (D.C. Cir. 1980). See also Montana v. United States, 440 U.S. 147, 153 (1979); McLaughlin v. Bradlee, 803 F.2d 1197, 1201 (D.C. Cir. 1986).

In Pape I, after noting that Pape lives over 100 miles from

the MPI site and the endangered rivers, United States District Court Judge David W. McKeague, for the Western District of Michigan, Northern Division, held that Pape failed to demonstrate an injury-in-fact under CERCLA that was sufficiently concrete, specific, or "actual or imminent":

[Plaintiff] has not alleged, demonstrated or even argued that he has ever used these waters before, or how his usage has been specifically curtailed . . . he has failed to plead or demonstrate a particular and personalized injury that would distinguish him from the general citizenry . . . he has failed to show that defendant's conduct has caused him actual, concrete injury or threatens him imminently.

Pape I at 4. The court concluded that Pape's general concern for the environment, though admirable, was insufficient to establish standing.³ Id.

In Pape II, where Plaintiff relied on RCRA in his efforts to contest contamination of the MPI site, United States District Court Judge Robert Holmes Bell, for the Western District of Michigan, Northern Division, rejected Pape's argument that RCRA did not require a particularized injury:

[T]he "injury in fact" requirement is one of the constitutional minimums for the exercise of this court's jurisdiction under Article Three. Regardless of the legal basis upon which a plaintiff may seek relief, he must have suffered a concrete and particularized injury if this court is to hear his claim. Courts have assumed this requirement in RCRA cases.

³ To meet the constitutional requirements for standing plaintiff must show: (1) an injury in fact; (2) that is fairly traceable to the challenged conduct; and (3) that is likely to be redressed by a favorable decision. Lujan v. Defenders of Wildlife, 504 U.S. 555, 560-61 (1992).

Page II, citing Natural Resources Defense Council, Inc. v. United States E.P.A., 25 F.3d 1063, 1067 (D.C. Cir. 1994). As with Plaintiff's prior CERCLA action, the court held that Plaintiff failed to establish particularized injury-in-fact and therefore lacked standing under the RCRA citizen suit provision. Page II at 2.

As a threshold issue in both Michigan cases, the issue of standing was "actually and necessarily determined". In this case, Plaintiff presents no new material facts or legal arguments to establish standing. Indeed, in the present case Plaintiff fails to mention any particularized injury at all.

Plaintiff, however, argues that collateral estoppel is inappropriate because Defendant was not a party to the previous litigation. This argument is based on the doctrine of mutuality, which holds that neither party can use a prior judgment to estop the other unless both parties were bound by that judgment. Blonder-Tongue Laboratories, 402 U.S. at 313. The doctrine of mutuality has been explicitly rejected by the Supreme Court. See Blonder-Tongue Laboratories, 402 U.S. at 313; Parklane Hosiery Co., Inc. v. Shore, 439 U.S. 322 (1979). As our own Circuit explained:

Invocation of the doctrine is no longer restricted to those who were parties to the first litigation or their privies, for it has come to be widely accepted that usually little good and much harm can come from allowing a determined plaintiff to retry the same issues in exhausting fashion against successive defendants.

McLaughlin v. Bradlee, 803 F.2d 1197, 1204-5 (D.C. Cir. 1986).

Furthermore, though the courts might redetermine issues if there is reason to "doubt the quality, extensiveness, or fairness of procedures followed in prior litigation", Plaintiff does not assert any special circumstance which would render application of collateral estoppel in this case "unfair". Montana v. United States, 440 U.S. 147, 164 n. 11 (1979); see also Parklane, 439 U.S. at 330-31 (stating that collateral estoppel may be unfair when used "offensively", for example, when a defendant in a first action is sued for nominal damages and therefore has little incentive to defend vigorously if future suits are not foreseeable). As an essential element of his case, Plaintiff had incentive to fully and vigorously litigate his standing under RCRA and CERCLA in the federal lawsuits in Michigan.

Application of collateral estoppel to the threshold issue of standing under the citizen suit provisions of CERCLA and RCRA is therefore appropriate and necessarily fatal to Plaintiff's RCRA and CERCLA claims.

Similarly, though the APA provides for judicial review of agency action made reviewable by statute, because Plaintiff lacks standing under CERCLA and RCRA, he also necessarily lacks standing under the APA.⁴ 5 U.S.C. § 704. Plaintiff therefore fails to state

⁴ It should also be noted that the APA does not provide for judicial review of the Administrator's enforcement discretion. Heckler v. Chaney, 470 U.S. 821, 831 (1985) (recognizing a presumption against judicial review of agency decision not to enforce). Rather, the APA makes clear that purely discretionary agency actions are not subject to judicial review. See 5 U.S.C. §

an APA claim against the Administrator of the EPA for which relief may be granted. Plaintiff's APA claim should be dismissed pursuant to Fed. R. Civ. P. 12(b)(1) and 12(b)(6).

Finally, in paragraph ten of the Complaint, Plaintiff briefly asserts that Defendant has failed to adequately enforce provisions of the Clean Water Act, 33 U.S.C. §§ 1251-1387, regarding the MPI site. Because Plaintiff fails to provide further explanation or specification regarding such omissions, this very generalized allegation will not be addressed in this Opinion.

III. Conclusion

Under the doctrine of issue preclusion, Plaintiff is barred from relitigating his standing under the citizen suit provisions of RCRA and CERCLA regarding contamination of the MPI site. Additionally, Plaintiff fails to state a claim against the Administrator under either the APA or the Clean Water Act. Pursuant to Fed. R. Civ. P. 12(b)(1) and 12(b)(6), Plaintiff's RCRA, CERCLA and APA claims are dismissed. The Administrator's Motion to Dismiss Plaintiff's Complaint [#6] is thus granted. An Order will issue with this Opinion.

July 17, 1998
Date

Gladys Kessler
Gladys Kessler
United States District Judge

Copies to:

Dale K. Pape, Sr.
3320 Hwy 577
Wallace, Michigan 49893

Lois J. Schiffer
Eric G. Hostetler
Environmental Defense Section
U.S. Department of Justice
P.O. Box 23986
Washington, D.C. 20026-3986

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

DALE K. PAPE, SR.,

Plaintiff,

v.

CAROL M. BROWNER,
ADMINISTRATOR, U.S. ENVIRON-
MENTAL PROTECTION AGENCY,

Defendant.

Civil Action No. 97-1833 (GK)

FILED

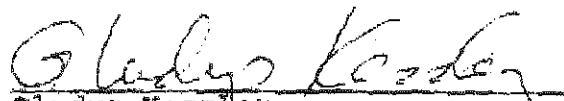
JUL 20 1998

NANCY MAYER-WHITTINGTON, CLERK
U.S. DISTRICT COURTORDER

This matter is before the Court on the Motion of Carol Browner ("Administrator") to Dismiss Plaintiff's Complaint [#6]. Plaintiff Dale K. Pape, Sr., a resident of Wallace, Michigan, brings this action pro se under the citizen suit provision of the Resource Conservation and Recovery Act of 1976 ("RCRA"), RCRA § 7002(a)(2), 42 U.S.C. § 6972(a), the citizen suit provision of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 ("CERCLA"), CERCLA § 310, 42 U.S.C. § 9659 (a)(2), and the Administrative Procedure Act ("APA"), 5 U.S.C. § 701 et seq.

Upon consideration of the Administrator's Motion, Plaintiff's Opposition, the Administrator's Reply and Notice of Supplemental Authority, Plaintiff's Response to Federal Defendant's Notice of Supplemental Authority, the entire record herein, and for the reasons discussed in the accompanying Memorandum Opinion, it is this 17th day of July, 1998 hereby

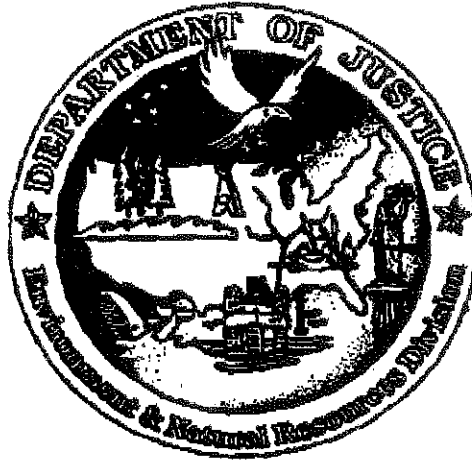
ORDERED that Defendant's motion to dismiss is granted.


Gladys Kessler
United States District Judge

Copies to:

Dale K. Pape, Sr.
3320 Hwy 577
Wallace, Michigan 49893

Lois J. Schiffer
Eric G. Hostetler
Environmental Defense Section
U.S. Department of Justice
P.O. Box 23986
Washington, D.C. 20026-3986



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FROM: Department of Justice
Environment and Natural Resources Division
Service Operation Center
601 D Street, N.W.
Room 8515
Washington D.C. 20004

Fax No. 202-514-8865
Voice No.

SENT BY: Eric Hostetler
TO: Ignacio Arrazola / EPA Region 5
FAX No. (312) 886-0747

NUMBER OF PAGES SENT (INCLUDING COVER PAGE): 13

SPECIAL INSTRUCTIONS:

1998 SEP 30 PM 4:56

000

From: DIANE SHARROW
To: LITTLE-PAUL, R5ORC.R5ORC1.GARBER-DEBORAH, BOYLE-JO...
Date: 7/20/98 11:46am
Subject: Manistique Paper

I wanted to let you all know that I had a conversation with Gary Artinian
Manistique paper this am. Evidently the site has become an "issue" in
the primary elections scheduled for Aug. 4 in Michigan.

FYI

Diane

Diane M. Sharrow
Waste, Pesticides & Toxics Division
Enforcement & Compliance Assurance Branch
Michigan/Wisconsin Section
77 W. Jackson Blvd., MailCode DE-9J
Chicago, IL 60604-3590
PH: 312-886-6199 FAX 312-353-4342
Sharrow.Diane@epamail.epa.gov

CC: SHARROW-DIANE

Fax 248-253-1606
2520 S. Telegraph Rd
Bloomfield Hills, MI
48302

From: Diane Sharrow
To: R5CHG.IN("enviro@cybrzn.com")
Date: 7/19/98 9:34am
Subject: Manistique Papers, Inc. -Reply

To show that a violation of RCRA has occurred; the Agency must show that a company has illegally stored, treated or disposed of a hazardous waste. Hazardous waste is defined in Title 40 of the Code of Federal Regulations. It must be either characteristic, i.e., a TRIC waste (Toxic, Reactive, Ignitable or Characteristic - usually D or F Waste Codes) as defined in 40 CFR Part 261, or it must be specifically listed (these wastes generally are P or U waste codes) in 40 CFR. Please note that PCBs are a not haz waste under RCRA, but are covered by TSCA. At MPI we were analyzing for characteristic/TCLP waste, since there are no listed wastes at MPI. In particular we were looking at TCLP wastes, those that might leach (again see 40 CFR Part 261 for a definition). Even if we find such wastes, they must exceed certain levels to be considered a hazardous waste under RCRA. These levels are in 40 CFR 261. However, we also looked to see if the wastes contained PCBs and exceeded ecological data quality levels, but these are not enforceable numbers under RCRA. These are numbers EPA's RCRA program uses in a corrective action to clean-up. If a site did not ever treat, store or dispose of a hazardous waste under RCRA, EPA cannot take corrective action under RCRA at a site. If site is severely contaminated, but never Treated, stored or disposed under RCRA - Superfund is typically used to get at these types of sites.

It is my understanding that the State can use its 201 program to get at any site that is contaminating the environment. I am not sure what DEQ is doing under 201 at the MPI "dump" - I know wells have been installed for some type of closure, but this closure is under State law and not Federal.

From: Diane Sharrow
To: R5CHG.IN("enviro@cybrzn.com")
Date: 7/19/98 9:21am
Subject: Manistique Papers, Inc. -Reply

Mr. Pape,

I can be available at 10 am CST /11 am EST on Mon 7/20.

I can also be available on Weds. 7/22 - if you set a time on Monday.

Please see my answers below.

>>> "Dale K Pape Sr." <enviro@cybrzn.com> 07/16/98 01:03pm >>>
Dear Ms. Sharrow

Please inform me when you would be available in the week of July 20, 1998 for discussion on the above reference subject. The questions I have are as follows:

1. Did EPA make a determination that such dumpsite setting was located in a wetlands?

Since I work in the RCRA program I cannot specifically make a wetlands determination. However, I did collect information to aid the Agency wetland program in making such a determination. This information is on video and will be in the Final report.

2. At what locations at the dumpsite did EPA take soil samples?

It is difficult to give you answers without a map - essentially we took drill samples from three parts of the pile in a roughly triangular shape. We drilled to native soil - i.e., we took samples from the newest and oldest material.

3. How many sludge samples were taken from the dumpsite and at what location in the dumpsite were such samples were taken?

The samples we took from the RMA pile were not specifically of sludge, it was of whatever material we encountered as we drilled laterally - we had some samples that were sludge like, others that were soil like.

I am not in the office today, so i cannot give you an exact count. What we did was use a HNU (a sniffer) on each sample and then decided whether it should be sent to the lab for further analysis (this was done for cost savings and to aid in sending those samples that were most likely to contain waste to the lab)

4. Did EPA sample the sludge presently being hauled to the dumpsite?

Yes, both in November and in June. We also took samples from the sludge as it was actually generated in the plant itself.

5. Did EPA sample and test all monitoring wells located at the dumpsite?

No. We took samples from those wells that would give us an indication as to whether groundwater had been contaminated - i.e., those down gradient from the pile.

6. Did EPA receive test data requested from MPI split samples taken in November 1997?

Yes

If so could I get a copy of such?

I will have to check with our atty to see if I can release it.

If MPI has failed to fulfill EPA's request what action has EPA taken to compel MPI to comply?

Not applicable. If they had failed, we would consider enforcement action under RCRA Section 3008a for failing to comply with a request under Section 3007 of RCRA.

7. What specific issue caused EPA to inspect MPI's Dumpsite?

EPA RCRA program did a file review after receipt of your notice intent to sue under RCRA, I believe this was in about 1996. RCRA discussed the file review with EPA Superfund and EPA Wetlands Program, the US Fish and Wildlife Service, as well as DEQ WMD in Lansing, DEQ ERD in Lansing, and staff from DEQ water and Waste programs in Marquette. We then issued a RCRA 3007 information request to MPI and asked for copies of all manifest from DEQ.

EPA RCRA thought that sampling would provide us with data that we could not find in the file review and through the 3007 Info Request, on what may have had been disposed of and was currently being disposed of and an assessment of whether it had impacted the environment

We then had to locate the funds to do the sampling. This was done in early 1997. Sampling was delayed while I was on maternity leave. The sampling in November 97 was redone in June 1998 due to problems with the lab used by EPA's contractor. These problems were not specific to the MPI sampling, but sampling from across the country at a number of sites and by private companies as well as EPA.

Did my lawsuit against Browner, create this inspection?

I, personally, was not and am not aware of a lawsuit against EPA/Carole Browner.

8. What involvement has the MDEQ played in this inspection?

See above. EPA has discussed the site with staff and management from DEQ. It is my understanding that DEQ is attempting to close the site and that MPI is to build another site. I am not aware of the specifics on either. My supervisor has been asked to brief DEQ before EPA takes any action at MPI based on the Final Report.

9. What government agencies other than the USEPA were involved in the MPI inspection?

No other Federal agencies were involved. DEQ WMD stff from Marquette attended, but were not specifically involved. They did not split samples with us.

and why?

See above.

10. Can I receive a copy of the plan that was used for the MPI inspection on the dumpsite?

I will have to check with the EPA Atty. We consider parts of the Plan enforcement sensistive, and it has not been releases in its entirity to anyone outside of EPA. That is, DEQ and MPI have not received this Plan either.

I apprciate you past response to my letters, if for any reason you can not answer some of my questions listed above could you explain why?

I think I have answred all of your questions. The only reason I would not answer questions on MPI would be if I thought it would jeopardize EPA's ability to make or take an enforcement decision at MPI. Whether an enf action is taken or not taken, will be based on the Agency;s discretion; i.e., whether the Agency can support with evidence that a violation of RCRA has occurred.

Thank You

Dale K. Pape
e-mail address enviro@cybrzn.com
3320 Hwy 577
wallace, Michigan 49893
(906)863-9435
fax: (906) 863-8425



July 8, 1998

Superior Special Services, Inc.
1275 Mineral Springs Drive
Port Washington, Wisconsin 53074
(414) 284-6855
FAX (414) 284-3775

Ms. Diane Sharrow
U.S. EPA
77 W. Jackson Boulevard DRE-9J
Chicago, IL 60604

Dear Ms. Sharrow:

On July 2, 1998, Superior Special Services, Inc. received a shipment of waste from Manistique Paper. The following discrepancy was noted on Manifest #WIK30244:

Line b upon arrival add one drum

Please sign this form acknowledging the discrepancy indicated above. Return this form to Superior Special Services, Inc. and retain a copy for your files. If you have any questions concerning these changes, please contact your Customer Service Representative immediately.

Thank you for your cooperation.

Sincerely,

SUPERIOR SPECIAL SERVICES, INC.

Cheryl Kaker

Cheryl Kaker
Operations Assistant

Authorized Signature

Date

Print Name

Title



STATE OF WISCONSIN

Chapter 291, Wis. Stats.

Form 4400-66P

Rev. 1-98

ALL COPIES MUST BE LEGIBLE,
PLEASE TYPE

State of Wisconsin
Department of Natural Resources
Bureau of Waste Management
Box 8094
Madison, WI 53708

FOR DNR USE ONLY

signed for use on elite (12-pitch) typewriter.

Form Approved. OMB No. 2050-0039. Expires 9-30-99

UNIFORM HAZARDOUS WASTE MANIFEST		1. Generator's US EPA ID No. NIR0000030106	Manifest Document No. 30244	2. Page 1 of 1	Information in the shaded areas is not required by Federal law.	
3. Generator's Name and Mailing Address 77 W. Jackson Boulevard, DRE-9J Chicago IL 60604		Site Location If Different Manistique Paper RMA Facility One mile east of M-94 on P Manistique MI 49854		A. State Manifest Document Number WI K 30244		
4. Generator's Phone (312) 886-6199		6. US EPA ID Number WID988566543		B. State Generator's ID		
5. Transporter 1 Company Name Superior Special Services, Inc.		8. US EPA ID Number		C. State Transporter's ID		
7. Transporter 2 Company Name		10. US EPA ID Number WID988566543		D. Transporter's Phone (866) 688-4065		
9. Designated Facility Name and Site Address Superior Special Services, Inc. 1275 Mineral Springs Drive Port Washington WI 53074		12. Containers No. Type		E. State Transporter's ID		
11. US DOT Description (Including Proper Shipping Name, Hazard Class, and ID Number)		13. Total Quantity		F. Transporter's Phone		
a. RQ Hazardous Waste Liquid, n.o.s., 9, NA3082, PGIII (D007, D008) ST9810366		003 DIM 09165		G. State Facility's ID 63237		
b. RQ Hazardous Waste Liquid, n.o.s., 9, NA3082, PGIII (D007, D008) ST9810369		007 DIM 10385		H. Facility's Phone (414) 284-6855		
c.						
d.						
J. Additional Descriptions for Materials Listed Above A: WS#9774(SH381);ERG#171;RQ-15,D008 B: WS#14559(SH381);ERG#171;RQ-15,D008				K. Handling Codes for Wastes Listed Above		
15. Special Handling Instructions and Additional Information Project# 37832 Emergency Contact# 1-866-688-4065						
16. GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national governmental regulations and according to the requirements of the Wisconsin Department of Natural Resources. If I am a large quantity generator, I also certify that I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment; OR, if I am a small quantity generator, I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford.						
Printed/Typed Name & Position Title Diane M. Sharrow, Environmental Scientist		Signature Diane M. Sharrow		Date 08/30/98		
17. TRANSPORTER 1 Acknowledgement of Receipt of Materials		Signature Dennis Smith		Date 07/9/98		
Printed/Typed Name & Position Title DENNIS SMITH		Signature Dennis Smith		Date 07/9/98		
18. TRANSPORTER 2 Acknowledgement of Receipt of Materials		Signature		Date		
Printed/Typed Name & Position Title		Signature		Date		
19. Discrepancy Indication Space Line B Upon arrival Add one drum						
20. FACILITY OWNER OR OPERATOR: Certification of receipt of hazardous materials covered by this manifest except as noted in Item 19.		Signature William Will		Date 07/9/98		
Printed/Typed Name & Position Title William Will, Operations Manager		Signature William Will		Date 07/9/98		

EPA Form 8700-22 (Rev. 9-88) Previous editions are obsolete.

Copy Distribution:

1 - Generator send to Wis. DNR

4 - Facility retain

2 - Generator retain

5 - Facility send to Generator

3 - Facility send to Wis. DNR

6 - Transporter retain

Copies 1 & 3 mail to Wis. DNR at above address.

Emergency 24 Hour Assistance Telephone Number

In Wisconsin (608) 266-3232

Outside Wisconsin (800) 424-8802

COPY 5-
FACILITY SEND TO GENERATOR

From: "Dale K Pape Sr." <enviro@cybrzn.com>
To: R5WST.R5RCRA(SHARROW-DIANE)
Date: 7/7/98 12:35pm
Subject: Manistique, Paper Inc. June 5, 1998 inspection of the dump

Dear Ms. Sharrow:

On June 5, 1998 your office conducted an inspection of the MPI dump-site, when will such inspection be public, and the test that your office conducted will they be published for the public to view and when?

I would like to discuss the above inspection with you if it is at all possible, please inform me if such is my e-mail address is enviro@cybrzn.com thank you, I can also be reached at (906) 863-9534

Sincerely

Dale K. pape, Sr.

From: "Dale K Pape Sr." <enviro@cybrzn.com>
To: R5WST.R5RCRA(SHARROW-DIANE)
Date: 6/14/98 1:18pm
Subject: MPI RMA facilities

Dear Ms. Sharrow

Thankyou for your response, I m greatfull that the EPA is investigating the old MPI dump, please understand in the past I have worked with employees of the MDEQ (Lansing Office) who informed me their was a coverup at this site which was orcharstraded by public officials.

These employees have been threaten and have kept their jobs by not going to the press but looked for hope by informing me of what the political arena has been doing to protect MPI.

In the past I had filed three suits against MPI and one suit against Ms. Browner , in the three suits against MPI I have been sanctioned more than twenty thousand dollars, believe me when I say I care, the actual knowledge of why MPI has gotten away with their on going pollution is only because of the political ties.

In my efforts to protect the environment and public health from MPI has truly taken a toll on me only because our system has failed and did not serve the public but rather the corporate contributor.

The EPA's investigation into the MPI dumpsite, I must admitt is the only hope for the environment,

If the EPA were too check the soils beneath that mamoth dump, as reported by MPI's own employees, who stated they dumped solvents and other hazardous waste at this dump, If the MDEQ preformed its duties under the RCRA program , it would goe without question that such dump would be but out of operation immediately and thoes responsible would be prosecuted.

I could point fingers at many who have been involved in the MPI cover-up but what good will that do unless the gov. does something. I wish you the best of luck and if and when the EPA completes their investigation, I will consider my litigation against Ms. Browner.

Sincerely,

Dale K. Pape, Sr.

CC: steven dresh <dresh_jheon@simplenet.com>

USEPA

Diane M. Sharrow, Environmental Scientist

Region 5

Waste, Pesticides and Toxics Division

77 West Jackson Boulevard

Chicago, Illinois 60604-3590

June 10, 1998

Reference: June 9, 1998 fax (Documents inspection USEPA office)

Dear Ms. Sharrow

This fax is to confirm my visit on June 11, 1998 for the inspection of documents on the November inspection of the MPI dump. Please acknowledge my request via phone or fax asap for I intend to make arrangements for my travel this evening.

Sincerely

Dale K. Pape, Sr.

(906) 863-9534

Fax# (906) 863-8425

e-mail address- enviro@cybrzn.com

FAX

Date: Monday, June 08, 1998

Time: 2:45:00 PM

2 Pages

To: Diane M Sharrow
USEPA

From: Dale K. Pape Sr.
Dales Environmental

Fax: 353-4342

Fax: 906-863-9534

Voice:

Voice: 906-863-9534

Comments:

Diane M. Sharrow
Environmental Scientist
United States Environmental Protection Agency("USEPA")
Region 5
Waste, Pesticides and Toxic Division
Mail Code DRE-9J
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

June 8, 1998

Reference: Manistique Papers Inc. (RMA Facility/MPI Dump)

Dear Ms. Sharrow:

I never received a response from your office on my previous request, It is obvious to me that the USEPA does not want to discuss the above reference with me.

I would appreciate reviewing the entire file on the USEPA November 1997 inspection of the MPI facility as soon as possible, along with the test data submitted to your office by MPI and or the MDEQ. I would also appreciate reviewing your most recent plan for inspection dated for June 7, 1998.

If it is possible I will travel to Chicago on June 11, 1998 for such review, if you have any problems with this date please contact me as soon as possible.

Sincerely,

Dale K. Pape, Sr.

(906) 863-9534
Fax (906) 863-8425

EPA FOIA officer
Wendy Schumacher

(312) 886-0182
MR1-95

FAX

Date: Monday, June 08, 1998

Time: 2:45:00 PM

2 Pages

To: Diane M Sharrow
USEPA

From: Dale K. Pape Sr.
Dales Environmental

Fax: 353-4342

Fax: 906-863-9534

Voice:

Voice: 906-863-9534

Comments:

DALE K. PAPE, SR., Plaintiff, v. UNITED STATES ARMY CORPS OF
ENGINEERS, Defendant.

Case No. 2:98-CV-78

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
MICHIGAN, NORTHERN DIVISION

1998 U.S. Dist. LEXIS 9253

June 5, 1998, Decided

June 5, 1998, Filed

DISPOSITION: [*1] Defendant's motion to dismiss plaintiff's amended
complaint (docket # 25) GRANTED. Plaintiff's amended complaint DISMISSED.

CORE TERMS: site, wildlife, motion to dismiss, hazardous waste, imminent,
concrete, visited, missile, airfield, miles, area surrounding, culverts,
beauty, favorable decision, actual injury, particularized, speculative,
diminished, campground, redressed, pollution, vacation, motion to amend,
contamination, negatively, sightings, visit, causal connection, hypothetical,
conjectural

COUNSEL: For DALE K. PAPE, SR., plaintiff: Lynette L. Erickson, Erickson Law
Office, Menominee, MI.

DALE K. PAPE, SR., plaintiff, Pro se, Wallace, MI.

For UNITED STATES ARMY, CORPS OF ENGINEERS, defendant: Robert E. Lefevre, Eric
G. Hostetler, U.S. Dept of Justice, Washington, DC.

JUDGES: DAVID W. McKEAGUE, UNITED STATES DISTRICT JUDGE.

OPINIONBY: DAVID W. McKEAGUE

OPINION: OPINION OF THE COURT

Now before the Court is defendant's motion to dismiss plaintiff's complaint
pursuant to Fed. R. Civ. P. 12(b)(6). Plaintiff's complaint alleges that
defendant United States Army Corps of Engineers ("the Corps") mishandled
hazardous waste at a site near a former United States Air Force airfield and
missile base in Racoon, Michigan, in violation of the Resource Conservation and
Recovery Act of 1976 ("RCRA"), section 7002(a)(1), 42 U.S.C. @ 6972(a)(1). n1
Defendant's motion to dismiss asserts that plaintiff lacks standing to challenge

the alleged pollution under RCRA. The Court has carefully considered the parties' arguments as set forth in their briefs and at the hearing on [*2] this matter and, for the reasons that follow, defendant's motion to dismiss is granted.

-----Footnotes-----

n1 This action was originally filed in the United States District Court for the District of Columbia. From July 1996 to June 1997, the action was stayed upon the parties' joint motion. After the stay was lifted, the District of Columbia court dismissed counts 6 through 11 of plaintiff's amended complaint by order dated February 26, 1998, and transferred the remaining counts containing plaintiff's RCRA claims to this district where venue was proper for those claims.

-----End Footnotes-----

I. FACTUAL BACKGROUND

The former airfield and missile site at issue in this case is located near Racoon, Michigan, (the "Racoon Site"). The airfield was constructed from 1942-1943 and encompasses 640 acres; the missile site was added in 1960, comprising an additional 153 acres southeast of the airfield. Between 1985 and 1988, the U.S. Department of Defense contracted with the Corps to demolish buildings, remove underground storage tanks ("USTs"), and back fill [*3] missile silos at the Racoon Site. Preliminary environmental studies were conducted by private contractors and the Corps in 1986-1988, and additional field work was performed based on recommendations in these studies. In May 1990, the Corps retained the IT Corporation to perform a Remedial Investigation and Feasibility Study to assess any remaining environmental conditions at the site. A Final Remedial Investigation Report delineating environmental conditions was issued by IT Corporation on August 31, 1994. The report concluded that the site did not present a significant risk to the environment and recommended no further remedial action.

Plaintiff's complaint alleges that the Corps failed to dispose of hazardous waste in the manner required by law and that this waste has migrated from the Racoon Site. Plaintiff's complaint further alleges that the wildlife in the area surrounding the Racoon Site and the area's beauty have been negatively impacted by the alleged migration of hazardous waste.

In his response to defendant's motion to dismiss, plaintiff sets forth additional facts in the body of the brief and in an attached affidavit by plaintiff. n2

-----Footnotes-----

n2 Plaintiff's response further indicates that he plans to file a motion to amend his complaint to incorporate the factual allegations set forth in the responsive brief and affidavit. At the hearing, the Court was advised that such a motion had already been filed, although the Court had not yet had an opportunity to review the motion. Both parties agreed at the hearing that all facts relevant to plaintiff's standing were contained in plaintiff's response to defendant's motion to dismiss (including plaintiff's affidavit) and that defendant's motion could therefore be decided based on these pleadings without addressing the related motion to amend the complaint. Accordingly, the Court's opinion takes into account all the factual allegations contained in plaintiff's response and the accompanying affidavit and finds it unnecessary to address plaintiff's motion to amend the complaint at this time.

-----End Footnotes-----

[*4]

Plaintiff's affidavit identifies particular occasions during 1962-64 when he visited "Soldiers Park," an area which he alleges "joins" the property of the Raco Missile site, and the "Hiawatha National Park." Plaintiff's affidavit further states that he has visited "the area around the Raco site at least five times per year" and that he has made plans to vacation in "Soldiers Park" in early October 1998. Finally, plaintiff's affidavit asserts that his visits to "the area surrounding the Raco site have and will continue to be negatively affected, as both the number of wildlife sightings and the beauty of the area have diminished."

Plaintiff's brief also alleges that in July 1996, he discovered that nine USTs had been moved from the Raco Site to private land near Brimley, Michigan. Brimley is approximately 12 miles east of the Raco Site. Plaintiff alleges that the USTs contain contaminated sludge, based on the results of some testing he had performed. Plaintiff further alleges that some of the USTs are being used as culverts east of Highway 129 in Chippewa County. Plaintiff asserts that an analysis performed on sludge taken from one of the culverts (approximately 25 miles east of the [*5] Raco Site) revealed the presence of heavy metal contamination.

II. ANALYSIS

Under section 7002 of RCRA, 42 U.S.C. @ 6972, a citizen may initiate a civil action against a government agency to compel any person, including the United States, to comply with any "permit, standard, regulation, condition, requirement, prohibition, or order which has become effective pursuant to [RCRA]." 42 U.S.C. @ 6972(a)(1)(A). A citizen suit may also be brought against

any person, including the United States, "who has contributed or is contributing to the past or present handling, storage, treatment, transportation, or disposal of any solid or hazardous waste which may present an imminent and substantial endangerment to health or the environment...." 42 U.S.C. @ 69729(a)(1)(B).

Plaintiff has brought at least five environmental citizen suits under RCRA and other statutes in federal courts prior to filing this action. See *Pape v. Lake States Wood Preserving, Inc.*, 948 F. Supp. 697 (W.D.Mich. 1995); *Pape v. Browner*, Civil No. 97-01491 (D.D.C. Nov. 25, 1997); *Pape v. Manistique Paper Co.*, No. 2:95-CV-267 (W.D. Mich. Apr. 8, 1996); *Pape v. Manistique Papers, Inc.*, No. 2:95-CV-73 [*6] (W.D. Mich. June 19, 1995); *Pape v. Menominee-Marquette County Airport Comm'n*, No. 2:92-CV-96 (W.D. Mich. 1992). In each of these cases, plaintiff was found to lack standing to pursue his environmental claims. n3 Despite his extensive experience with the legal system in general and, in particular, the standing requirements that must be satisfied to maintain a suit under RCRA as elucidated by the opinions issued by the courts in plaintiff's prior cases, plaintiff has once again failed to establish standing in this case. n4

-----Footnotes-----

n3 Although plaintiff's complaint in *Menominee-Marquette* was dismissed pursuant to the parties' stipulation, the Court had denied plaintiff's motion for a preliminary injunction in part because he lacked a "protectable property interest that would confer standing...." *Lake States*, 948 F. Supp. at 701 (quoting *Menominee-Marquette*, No. 2:92-CV-96, at 8).

n4 At the hearing, plaintiff's counsel stressed the fact that plaintiff had proceeded pro se in many of these cases and had filed his amended complaint in this case pro se, prior to retaining counsel. The government pointed out at the hearing, however, that plaintiff was represented by counsel in at least one of his cases; in *Lake States*, plaintiff was represented by the same counsel that is representing him in this action.

-----End Footnotes-----

[*7]

An essential element of every case or controversy appropriate for judicial disposition under Article III of the Constitution is standing to seek relief. See *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560, 119 L. Ed. 2d 351, 112 S. Ct. 2130 (1992); *City of Detroit v. Franklin*, 4 F.3d 1367, 1372-73 (6th Cir. 1993). The party invoking federal jurisdiction must establish three elements:

First, the plaintiff must have suffered an "injury in fact" -- an invasion of a legally protected interest which is (a) concrete and particularized,...and (b)

"actual or imminent, not 'conjectural' or 'hypothetical,'".... Second, there must be a causal connection between the injury and the conduct complained of -- the injury has to be "fairly ... traceable to the challenged action of the defendant, and not ... the result [of] the independent action of some third party not before the court." ...Third, it must be "likely," as opposed to merely "speculative," that the injury will be "redressed by a favorable decision."

Lujan, 504 U.S. at 560-61 (citations and footnote omitted). At the pleading stage, general factual allegations of injury resulting from the defendant's conduct may suffice to establish standing. [*8] See id., at 561. Nevertheless, as the Supreme Court has noted, "when the plaintiff is not himself the object of the government action or inaction he challenges, standing is not precluded, but it is ordinarily 'substantially more difficult' to establish." Id. at 562 (quoting *Allen v. Wright*, 468 U.S. 737, 758, 82 L. Ed. 2d 556, 104 S. Ct. 3315 (1984)).

Plaintiff's first amended complaint sets forth the following description of his alleged injury:

The attraction of the area for campers, tourists, and other visitors is its location in the midst of an array of natural resources, including National Lake Shore and other lakes[,] rivers and scenic and recreational resources. The RACO HWM Facilities is located near these areas. Plaintiff enjoys the aesthetic and recreational values of the area surrounding the RACO HWM Facility and the opportunities the area affords for wildlife photography, hunting, camping, sight seeing and snowmobiling. Plaintiff has been using the area to pursue these activities on a regular basis since 1962 to present.

Because [of] hazardous waste that Corps has dumped at the site, the wildlife has left the area and/or died, thus preventing [*9] Plaintiff from fully conducting his wildlife photography. Plaintiff has similarly been forced to curtail or cease his other activities in the surrounding area because of the infiltration of hazardous waste. All of this has deprived Plaintiff of this right to use and enjoy this section of the Upper Peninsula of Michigan.

Plaintiff's First Amended Complaint PP 16, 17. Plaintiff's response and affidavit specify that plaintiff has visited the "area around" the RACO site "at least five times per year" and that he has made plans to vacation in "Soldiers Park" located "near" the RACO site in early October 1998, where he plans to spend his time "fishing, canoeing, and photographing the area." Plaintiff further states that "as a result of the illegal disposal of hazardous waste at the RACO Missile site which has been allowed by the U.S. Army Corps of Engineers and the migration of such hazardous waste off site... [his] visits to the area surrounding the RACO site have and will continue to be negatively affected, as both the number of wildlife sightings and the beauty of the area have

diminished."

The Supreme Court has established that, "the desire to use or observe an animal species, [*10] even for purely esthetic purposes, is undeniably a cognizable interest for purpose of standing." *Lujan*, 504 U.S. at 562-63. However, "the party seeking review must be himself among the injured." *Id.* at 563. In *Lujan*, the Court specifically noted that, "past exposure to illegal conduct does not in itself show a present case or controversy regarding injunctive relief ... if unaccompanied by any continuing, present adverse effects." *Id.* at 564 (citation omitted). The *Lujan* Court found that the plaintiffs' "profession of an 'intent' to return to the places they had visited before -- where they will presumably, this time, be deprived of the opportunity to observe animals of the endangered species -- is simply not enough [to establish standing]." *Id.* The Court further explained that "such 'some day' intentions -- without any description of concrete plans, or indeed even any specification of when the some day will be -- do not support a finding of the 'actual or imminent' injury that our cases require." *Id.*

The "injury" alleged by plaintiff in his first amended complaint is almost identical to that claimed by plaintiff in *Pape v. Lake States Wood Preserving, Inc.*, 948 F. Supp. 697 (W.D. Mich. 1995), *aff'd*, 98 F.3d 1342 (6th Cir. 1996). In that case, the court explained that plaintiff had failed to establish an imminent injury because he had not expressed a concrete and specific intention to use the subject property. See 948 F. Supp. at 700. This Court finds that the allegations contained in plaintiff's first amended complaint fail to establish an actual injury because they do not include an allegation that plaintiff has specific plans to use the allegedly affected area in the future.

Nor has plaintiff established standing to pursue his RCRA claims through the additional factual allegations in his response brief and affidavit. At the hearing, plaintiff's counsel was unable to provide more specificity with regard to the precise location that plaintiff has visited in the "area around" the Raco Site at least five times per year. In addition, it was established at the hearing that there is no such place as "Soldiers Park," but that plaintiff intended to make reference to a campground at "Soldier Lake," which is located over two miles from the Raco Site and does not actually join its property. Plaintiff's vague expression of an intention to [*12] vacation at this campground in October 1998, where he anticipates that the number of wildlife sightings and the scenic beauty may be diminished, does not suffice to establish a concrete and particularized injury. Further, even if plaintiff's plan to visit the campground were sufficient to establish an injury, plaintiff has failed completely to show that there exists a "causal connection between the injury and the conduct complained of" or that it is "'likely,' as opposed to merely 'speculative,' that the injury will be 'redressed by a favorable decision.'" *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560, 119 L. Ed. 2d 351, 112 S. Ct.

2130 (1992).

Finally, the Court is unpersuaded that plaintiff's new allegations regarding alleged contamination at Brimley and the culverts in Chippewa County confer standing on plaintiff to pursue his RCRA claims. Plaintiff sets forth no additional facts relating to his standing with respect to these claims. The Brimley and Highway 129 sites are located approximately 12 and 25 miles east of the Racó Site -- on the other side of Racó than the Soldier Lake Campground. Plaintiff does not allege that he has ever recreated in the vicinity of these areas. In fact, plaintiff's counsel admitted [*13] at the hearing that plaintiff has never made use of the river that flows through the Chippewa County culverts, and that he has no future plans to do so. Thus plaintiff has failed to establish an actual injury that he has suffered or will suffer imminently because of the alleged contamination of these areas.

In sum, plaintiff has not shown that he has a personal stake in the outcome of this litigation. In particular, plaintiff has failed to establish that he has suffered a concrete and particularized injury that is either actual or imminent, as opposed to merely "conjectural" or "hypothetical." Although plaintiff speculates that wildlife in various areas located near the Racó Site may have been affected by pollution that is alleged to have been caused by the Corps, plaintiff has not set forth an actual injury stemming from this alleged pollution. Moreover, even if the Court were to find that plaintiff had pleaded an adequate "injury" for standing purposes, plaintiff has failed to establish that any such injury would be fairly traceable to the actions of the Corps. Finally, plaintiff has not shown that it is "likely" as opposed to merely "speculative" that his alleged injury would be [*14] redressed by a favorable decision from this Court. Accordingly, plaintiff does not have standing to pursue the claims set forth in his first amended complaint or any allegations based upon the facts set forth in his response and affidavit and, therefore, this action is dismissed for lack of standing.

An order consistent with this opinion shall issue forthwith.

Dated: June 5, 1998

DAVID W. McKEAGUE

UNITED STATES DISTRICT JUDGE

ORDER

In accordance with the Court's written opinion of even date,

IT IS HEREBY ORDERED that defendant's motion to dismiss plaintiff's amended

complaint (docket # 25) is GRANTED.

IT IS FURTHER ORDERED that plaintiff's amended complaint is DISMISSED.

Dated: June 5, 1998

DAVID W. McKEAGUE

UNITED STATES DISTRICT JUDGE

MICHIGAN STATUTES ANNOTATED
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*** THIS DOCUMENT IS CURRENT THROUGH THE 1997 SESSION ***

TITLE 13 CONSERVATION AND NATURAL RESOURCES
CHAPTER 95. DEPARTMENT OF NATURAL RESOURCES
HAZARDOUS WASTE MANAGEMENT ACT [Repealed]

MSA @ 13.30(48) (1997)

MCL @ 299.548

@ 13.30(48) (Repealed)

HISTORY: Act 64, 1979 [Repealed], p 179; eff January 1, 1980.

Pub Acts 1979, No. 64, @ 48, eff January 1, 1980; amended by Pub Acts 1982, No. 486, eff March 30, 1983; 1992, No. 87, imd eff June 4, 1992; repealed by Pub Acts 1994, No. 451, eff 90 days from end of 1994 legislative session (see Mich. Const. note below).

Former Acts.

Former and contained similar provisions.

NOTES:

Editor's notes:

Former @ 13.30(48) was entitled: Violations of act; compliance orders; action by attorney general; fines and penalties.

See Editor's notes under Act 64 of 1979.

Michigan Constitution of 1963, Art. IV, @ 27, provides:

"No act shall take effect until the expiration of 90 days from the end of the session at which it was passed, but the legislature may give immediate effect to acts by a two-thirds vote of the members elected to and serving in each house."

I. UNDER CURRENT LAW

1--15. [Reserved for future supplementation]

II. UNDER FORMER PROVISIONS

16. Former @ 13.30(48)

Absence of genuine material fact issue as to defendants' violation of federal resource conservation and recovery act, and Michigan hazardous waste management act, entitled United States and State of Michigan to summary judgment of liability on claims against hazardous waste disposal facility and as well as majority stockholder who was president of corporate owner of facility and directly involved in day-to-day operations of facility (42 USCS 6921 to 42 USCS 6295). *United States v Production Plated Plastics, Inc.* (1990, WD Mich) 742 F Supp 956, 32 Env't Rep Cas 1032, 21 ELR 20035.

MICHIGAN STATUTES ANNOTATED

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*** THIS DOCUMENT IS CURRENT THROUGH THE 1997 SESSION ***

TITLE 13A NATURAL RESOURCES AND THE ENVIRONMENT
CHAPTER 110B. NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION
ARTICLE II. POLLUTION CONTROL
CHAPTER 3. WASTE MANAGEMENT
PART 111. HAZARDOUS WASTE MANAGEMENT

MSA @ 13A.11151 (1997)

MCL @ 324.11151

@ 13A.11151. Violation of permit, license, rule, or part; order requiring compliance; civil action; jurisdiction; imposition, collection, and disposition of fine; conduct constituting misdemeanor; penalty; state of mind and knowledge; affirmative defense; preponderance of evidence; definition; action for damages and costs; disposition and use of damages and costs collected; awarding costs of litigation; intervention.

Sec. 11151. (1) If the department finds that a person is in violation of a permit, license, rule promulgated under this part, or requirement of this part including a corrective action requirement of this part, the department may issue an order requiring the person to comply with the permit, license, rule, or requirement of this part including a corrective action requirement of this part. The attorney general or a person may commence a civil action against a person, the department, or a health department certified under section 11145 for appropriate relief, including injunctive relief for a violation of this part including a corrective action requirement of this part, or a rule promulgated under this part. An action under this subsection may be brought in the circuit court for the county of Ingham or for the county in which the defendant is located, resides, or is doing business. The court has jurisdiction to restrain the violation and to require compliance. In addition to any other relief granted under this subsection, the court may impose a civil fine of not more than \$ 25,000.00 for each instance of violation and, if the violation is continuous, for each day of continued noncompliance. A fine collected under this subsection shall be deposited in the general fund of the state.

(2) A person who transports, treats, stores, disposes, or generates hazardous waste in violation of this part, or contrary to a permit, license, order, or

rule issued or promulgated under this part, or who makes a false statement, representation, or certification in an application for, or form pertaining to, a permit, license, or order or in a notice or report required by the terms and conditions of an issued permit, license, or order, or a person who violates section 11144(5), is guilty of a misdemeanor punishable by a fine of not more than \$ 25,000.00 for each instance of violation and, if the violation is continuous, for each day of violation, or imprisonment for not more than 1 year, or both. If the conviction is for a violation committed after a first conviction of the person under this subsection, the person is guilty of a misdemeanor punishable by a fine of not more than \$ 50,000.00 for each instance of violation and, if the violation is continuous, for each day of violation, or by imprisonment for not more than 2 years, or both.

(3) Any person who knowingly stores, treats, transports, or disposes of any

hazardous waste in violation of subsection (2) and who knows at that time that he or she thereby places another person in imminent danger of death or serious bodily injury, and if his or her conduct in the circumstances manifests an unjustified and inexcusable disregard for human life, or if his or her conduct in the circumstances manifests an extreme indifference for human life, upon conviction, is subject to a fine of not more than \$ 250,000.00 or imprisonment for not more than 2 years, or both, except that any person whose actions constitute an extreme indifference for human life, upon conviction, is subject to a fine of not more than \$ 250,000.00 or imprisonment for not more than 5 years, or both. A defendant that is not an individual and not a governmental entity upon conviction, is subject to a fine of not more than \$ 1,000,000.00.

(4) For the purposes of subsection (3), a person's state of mind is knowing with respect to:

(a) His or her conduct, if he or she is aware of the nature of his or her conduct.

(b) An existing circumstance, if he or she is aware or believes that the circumstance exists.

(c) A result of his or her conduct, if he or she is aware or believes that his or her conduct is substantially certain to cause danger of death or serious bodily injury.

(5) For purposes of subsection (3), in determining whether a defendant who is an individual knew that his or her conduct placed another person in imminent danger of death or serious bodily injury, both of the following apply:

(a) The person is responsible only for actual awareness or actual belief that he or she possessed.

(b) Knowledge possessed by a person other than the defendant but not by the defendant himself or herself may not be attributed to the defendant. However, in proving the defendant's possession of actual knowledge, circumstantial evidence may be used, including evidence that the defendant took affirmative steps to shield himself or herself from relevant information.

(6) It is an affirmative defense to a prosecution under this part that the conduct charged was consented to by the person endangered and that the danger and conduct charged were reasonably foreseeable hazards of either of the following:

(a) An occupation, a business, or a profession.

(b) Medical treatment or professionally approved methods and the other person had been made aware of the risks involved prior to giving consent.

(7) The defendant may establish an affirmative defense under subsection (6) by a preponderance of the evidence.

(8) For purposes of subsection (3), "serious bodily injury" means each of the following:

(a) Bodily injury that involves a substantial risk of death.

- (b) Unconsciousness.
- (c) Extreme physical pain.
- (d) Protracted and obvious disfigurement.
- (e) Protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

(9) In addition to a fine, the attorney general may bring an action in a court of competent jurisdiction to recover the full value of the damage done to the natural resources of this state and the costs of surveillance and enforcement by the state resulting from the violation. The damages and cost collected under this subsection shall be deposited in the general fund if the damages or costs result from impairment or destruction of the fish, wildlife, or other natural resources of the state and shall be used to restore, rehabilitate, or mitigate the damage to those resources in the affected area, and for the specific resource to which the damages occurred.

(10) The court, in issuing a final order in an action brought under this part, may award costs of litigation, including reasonable attorney and expert witness fees to a party, if the court determines that the award is appropriate.

(11) A person who has an interest that is or may be affected by a civil or administrative action commenced under this part has a right to intervene in that action.

HISTORY: Act 451, 1994, p 2215; eff 90 days from end of 1994 legislative session.

Pub Acts 1994, No. 451, @ 11151, eff 90 days from end of 1994 legislative session (see Mich. Const. note below).

NOTES:

Editor's notes:

Michigan Constitution, Art. IV, @ 27, provides:

"No act shall take effect until the expiration of 90 days from the end of the session at which it was passed, but the legislature may give immediate effect to acts by a two-thirds vote of the members elected to and serving in each house." Statutory references:

Sections 11144 and 11145, above referred to, are@@ 13A.11144 and 13A.11145.

INTERPRETIVE NOTES AND DECISIONS

I.

1--15. [Reserved for future supplementation]

II.

16. Former @ 13.30(48)

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

DALE K. PAPE, SR.,

Plaintiff,

v.

MANISTIQUE PAPER COMPANY, INC.,

Defendant.

Case No. 2:95-CV-35

Judge David W. McKeague

DALE K. PAPE SR., Pro Se

CLAUDIA RAST (P40165)
CYNTHIA M. YORK (P39722)
Attorneys for Defendants
Dickinson, Wright, Moon,
Van Dusen & Freeman
500 Woodward Avenue, Suite 4000
Detroit, Michigan 48226
(313)223-3500

PROOF OF SERVICE

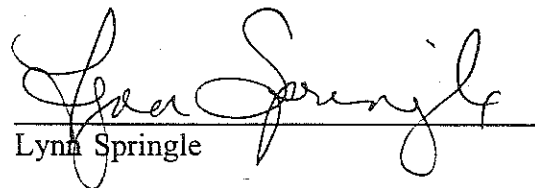
PROOF OF SERVICE

STATE OF MICHIGAN)
) ss
COUNTY OF WAYNE)

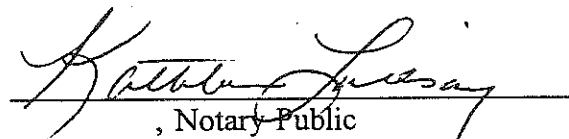
Lynn Springle, being first duly sworn, deposes and says that she is employed by Dickinson, Wright, Moon, Van Dusen & Freeman, and that on April 27, 1995, she did serve a copy of Defendant's Notice of Hearing, Motion to Dismiss Under Fed. R. Civ. P. 12(b)(1), 12(b)(6), and/or 56(c), and Brief in Support thereof, along with this Proof of Service, upon:

Dale K. Pape, Sr., Pro Se
3320 Highway 577
Wallace, Michigan 49893

by placing same in an envelope addressed as above and causing same to be deposited, with proper first-class postage affixed thereto, in the mail receptacle maintained by the U.S. Government at 500 Woodward Avenue, Detroit, Michigan.


Lynn Springle

Subscribed and sworn to before me
this 27th day of April, 1995.


_____, Notary Public
Wayne County, Michigan
My Commission Expires: 11-5-96

KATHLEEN LINDSAY
Notary Public, Wayne County, Michigan
My Commission Expires November 5, 1995

PROOF OF SERVICE

STATE OF MICHIGAN)
)
COUNTY OF MENOMINEE)

Dale K. Pape Sr. Pro,Se, being duly sworn, deposes and says that on May____,1995, he did serve a copy of Plaintiff's opposition to defendants motion to Dismiss Under Fed. R. Civ. P.12(b)(1), 12(b)(6), and/or 56(c), along with this proof of Service, Upon:

Cynthia M. York
Claudia Rast
Dickinson, Wright, Moon,
Van Dusen & Freeman
500 Woodward Avenue, Suite 4000
Detroit, Michigan 48226

by placing same in an envelope addressed as above and causing same to be deposited, with proper first-class postage affixed thereto, in the mail receptacle maintained by the U.S. Government at the U.S. Post Office located in Menominee, Michigan.

Dale K Pape Sr. Pro Se

Subscribed and sworn to before
this____th day of May, 1995

NOTARY PUBLIC
MENOMINEE COUNTY, MICHIGAN
My Commission Expires_____

I. INTRODUCTION

This is the second substantially identical environmental citizen's suit filed by Plaintiff Dale K. Pape, Sr. ("Mr. Pape") against Defendant Manistique Papers, Inc. ("Manistique Papers"). Both actions arise out of Manistique Papers' ownership and operation since 1973 of a disposal facility for its paper mill residuals known as a "Residuals Management Area" ("RMA"). On February 1, 1995, Mr. Pape filed his first citizen's suit, alleging a violation of the federal Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. §§ 6901 et seq., and state law violations of Michigan's Hazardous Waste Management Act, M.C.L. §§ 11101 et seq., (299.501 et seq.),¹ Solid Waste Management Act M.C.L. §§ 11501 et seq. (299.401 et seq.), and Michigan's Environmental Protection Act, M.C.L. §§ 1701 et seq., (691.1201 et seq.) ("MEPA"). (See 1st Cmplt., attached as Exhibit 1). In response to the first complaint, Manistique Papers moved to dismiss the RCRA claim for failure to satisfy a condition precedent to filing suit, i.e. the statutorily-required pre-filing notice provision, and to dismiss the remaining state law claims for lack of diversity jurisdiction. The Court has noticed Manistique Papers' Motion to Dismiss the first complaint for hearing on May 8, 1995.

On March 8, 1995, apparently in response to the Motion to Dismiss the first action, Mr. Pape filed a second citizen's suit against Manistique Papers alleging a violation of the federal Comprehensive Environmental Response Liability and Compensation Act ("CERCLA"), 42 U.S.C. § 9610 et seq. (See 2d Cmplt., attached as Exhibit 2). The state law claims in this second complaint are substantially identical to those alleged in the first action.

^{1/} All citations to Michigan environmental statutes first refer to the recodified statutory citation and then (in parenthesis) refer to the former statutory citation.

In lieu of answering the second complaint, Manistique Papers again moves to dismiss it pursuant to Fed. R. Civ. P. 12(b)(1), 12(b)(6), and/or 56(c). As a threshold matter, Mr. Pape does not have legally cognizable standing to file a citizen' suit against Manistique Papers because he has not alleged (and cannot allege) that he has suffered a direct injury in fact, as required by applicable law. Further, the CERCLA claim fails as a matter of law and undisputed fact because Mr. Pape has not alleged and cannot establish the existence of any release from the RMA of a "hazardous substance" in a "reportable quantity" within the meaning of applicable federal law. Also, Mr. Pape's attempt to recover CERCLA "response costs" fails because he has not actually incurred any response costs to date.

Dismissal of the federal CERCLA claim again leaves only state law claims pending over which this Court does not possess diversity jurisdiction. As a result, this Court should dismiss the state claims without prejudice, but the Court should also note that Mr. Pape's state law claims also fail on the merits. Michigan's Solid Waste Management Act does not permit citizen suits by its express terms and applicable case law, and exclusive jurisdiction over Mr. Pape's Hazardous Waste Management Act and MEPA claims resides in a Michigan state circuit court -- not a federal district court. For all these reasons, set forth more specifically below, Manistique Papers respectfully requests that the Court grant this Motion and dismiss Mr. Pape's second complaint.

Manistique Papers' Motion is supported by the Affidavits of its President and General Manager, Leif Christensen, attached as Exhibit 3, and of its Environmental Consultant, Dennis Bittner of Bittner Engineering, Inc., attached as Exhibit 4.²

^{2/} Executed Affidavits will be forthcoming within several business days.

II. STATEMENT OF FACTS

Mr. Pape's complaints arise out of Manistique Papers' ownership and operation of a disposal facility for its paper mill residuals known as a "Residuals Management Area" ("RMA"). (See 2d Cmplt. ¶ 2; Christensen Aff. ¶ 3). Residuals are produced as a result of the paper manufacturing process during which recycled paper is mechanically de-inked (no chemicals are used). The end product is a slurry of paper residuals that are processed and treated through Manistique Papers' wastewater treatment system. (Christensen Aff. ¶ 4). In general, the treatment system uses physical and biological treatment processes to remove residual clay, fibers and color producing substances (that originated with the recycled paper used as stock for the paper-making process) from the wastewater. (Christensen Aff. ¶ 5). The treatment processes produce residuals containing between 35% and 40% solid material. (Christensen Aff. ¶ 6). Once the residuals are removed from the wastewater and dewatered, they are collected for transport to and disposal at Manistique Papers' RMA. (Christensen Aff. ¶ 7).

Manistique Papers' RMA is located approximately one and one-half miles north of Manistique Papers' paper mill in Schoolcraft County. (Christensen Aff. ¶ 8). The RMA is located within a 480 acre tract of land owned by Manistique Papers, of which 230 acres were considered suitable for disposal and were so identified in the Schoolcraft County Solid Waste Management Plan dated June, 1983. (Christensen Aff. ¶ 8). The active disposal area for the disposal of the residuals is approximately 40 acres. (Christensen Aff. ¶ 9). Manistique Papers' RMA has been in existence since 1973 and has at all times been duly licensed and regulated under National Pollutant Discharge Elimination System Permits ("NPDES Permit") issued to Manistique Papers through the Michigan Department of Natural Resources ("MDNR").

(Christensen Aff. ¶ 10). A copy of Manistique Papers' current NPDES Permit is attached as Exhibit 5. The NPDES Permit is issued pursuant to the Federal Water Pollution Control Act, 33 U.S.C. § 1251 et seq. ("the Clean Water Act") and the Michigan Water Resource Commission Act, P.A. 1929, No. 245, M.C.L.A. §§ 3101, et seq. (323.1 et seq.) ("Act 245"); see also Exhibit 5, p. 1. Management and monitoring of the RMA is performed in accordance with the Program for Effective Residuals Management ("PERM"), a requirement in the NPDES permit. (Christensen Aff. ¶ 11); see also Exhibit 5, § A.9., p. 8. Manistique Papers continues to operate the RMA in accordance with its PERM. (Christensen Aff. ¶ 12).

Manistique Papers has an on-going program for establishing the characteristics of the residuals as they are generated after treatment in the wastewater treatment process and prior to their transport for disposal at the RMA. (Christensen Aff. ¶ 13). Testing consists of the daily determination of certain physical characteristics and the periodic testing of the chemical characteristics of the residuals. (Bittner Aff. ¶ 12). With regard to the chemical characteristics, the residuals have been tested for over 100 specific substances on both a total compositional basis and on the basis of leachate produced from the residuals, in accordance with sampling and testing procedures approved by MDNR. (Bittner Aff. ¶ 13). This testing has demonstrated repeatedly that the residuals are not only non-hazardous, but also compare favorably to native soils found in the Western Upper Peninsula of Michigan. (Bittner Aff. ¶ 14).

Over the last ten years, Manistique Papers has worked with MDNR in developing a work plan to investigate and evaluate the environmental impacts, if any, stemming from continued operation of the RMA. (Christensen Aff. ¶ 14). At this point in time, Manistique has established that: (1) the residuals being disposed of in the RMA are inert, and (2) the analytical

data from the residuals transported to the RMA for disposal and the monitoring wells confirm that "hazardous substances" are not present at concentrations that would be injurious to the environment or natural resources, or to the public health, safety or welfare. (Bittner Aff. ¶ 15).

The analytical data on the residuals have confirmed that the residuals generated by Manistique Papers are not only inert, but also that they are one thousand times more impermeable than current landfill cover standards and the ten times more impermeable than current landfill liner standards. (Bittner Aff. ¶ 16).

In response to this historical analytical data, on February 1, 1994, Manistique Papers filed a written Petition with MDNR to formally designate the residuals as inert material. (Christensen Aff. ¶ 15). The Petition was prepared by Bittner Engineering, Inc. and the Dickinson Wright firm, (Bittner Aff. ¶ 17), and submitted to MDNR under authority of Mich. Admin. R. 299.4118. On August 22, 1994, MDNR's Waste Management Division Staff responded with an MDNR draft of an inertness designation for Manistique Papers' RMA. (See Exhibit 6). The petition remains formally pending while MDNR and Manistique Papers gather and determine the appropriate information needed to complete the designation. See id.

On September 15, 1994, Manistique Papers, through Bittner Engineering, Inc., submitted a Site Closure Plan for the RMA, which is pending before MDNR for comment and approval. (Bittner Aff. ¶ 18).

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

DALE K. PAPE, SR.,

Plaintiff,

v.

MANISTIQUE PAPERS, INC.,

Defendant.

Case No. 2:95-CV-73

Hon. David W. McKeague

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**BRIEF IN SUPPORT OF DEFENDANT'S MOTION TO
DISMISS UNDER FED. R. CIV. P. 12(b)(1), 12(b)(6), AND/OR 56(c)**

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III. ARGUMENT

A. Mr. Pape Does Not Have Standing To File A Citizen's Suit Against Manistique Papers, Inc. Arising Out of Ownership Or Operation Of The RMA

Mr. Pape does not have legally cognizable standing to file a citizen's suit against Manistique Papers arising out of its ownership or operation of the RMA. Mr. Pape resides in Wallace, Michigan. (See 2d Cmplt., ¶ 9). However, the RMA is located in Manistique, Michigan, over one hundred miles away from Mr. Pape's residence.³ Standing is a prerequisite to filing an environmental suit. Lujan v. Defenders of Wildlife, 504 U.S. ___, 112 S. Ct. 2130, 119 L.Ed.2d 351, 364 (1992). The core component of standing is part of the case-or-controversy requirement of Article III of the United States Constitution. Id. The "irreducible constitutional minimum of standing" contains three elements:

1. Plaintiff must have suffered an "injury in fact", which is concrete and particularized, and actual or imminent, not conjectural or hypothetical;
2. There must be a causal connection between the injury and the conduct complained of -- the injury has to be "fairly . . . trace[able] to the challenged action of the defendant. . . .";
3. It must be likely, as opposed to merely speculative, that the injury can be redressed by a favorable decision.

Id. (citations omitted). The party invoking federal jurisdiction bears the burden of establishing these elements. Id. In response to a motion to dismiss for lack of standing, the plaintiff cannot

^{3/} The Court may take judicial notice of the geographical distance between Mr. Pape's place of residence and Manistique Papers' RMA because the distance is generally known within the territorial jurisdiction of the trial court and is capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned, meeting both of the disjunctive tests of Fed. R. of Evid. 201.

rest on mere allegations, but must set forth specific facts by affidavit or other evidence. Id. at 365. The first prong of the standing test, "injury in fact," requires more than an injury to a cognizable interest; it requires that the party seeking review be himself among the injured. Id. at 365-66 (emphasis added). The plaintiff must establish that he is "directly" affected by the defendant's conduct apart from his "special interest" in the subject. Id. at 366.

The existence of an injury in fact is required in order to ensure that the plaintiff has a sufficient personal stake in the controversy to fully and adequately litigate the issues involved:

Concrete injury, whether actual or threatened, is that indispensable element of a dispute which serves in part to cast it in a form traditionally capable of judicial resolution. It adds the essential dimension of specificity to the dispute by requiring that the complaining party have suffered a particular injury caused by the action challenged as unlawful. This personal stake is what the Court has consistently held enables a complainant authoritatively to present to a court a complete perspective upon the adverse consequences flowing from the specific set of facts undergirding his grievance.

Schlesinger v. Reservists Committee to Stop the War, 418 U.S. 208, 220-21 (1974). See also Conservation Law Foundation v. Reilly, 743 F. Supp. 933, 935-38 (D. Mass. 1990)(CERCLA citizen suit standing); Heart of America Northwest v. Westinghouse Hanford, 820 F. Supp. 1265, 1270-74 (E.D. Wash. 1993)(CERCLA citizen suit standing).

Here, Mr. Pape has not alleged (and cannot allege) that he has suffered a concrete, particularized and actual "injury in fact" as a result of Manistique Papers' operation of the RMA. He simply alleges that "as a resident of the State of Michigan [he] has a deep interest in the aesthetic, conservational and recreational values of the Great Lakes and Inland Streams and lakes of the State of Michigan" (See 2d Cmplt., ¶ 9) (emphasis added). This allegation states

nothing more than that Mr. Pape has a special interest in the natural resources of the State of Michigan which presumably can be alleged by any Michigan resident. Mr. Pape further alleges:

Pollutant discharges entering soil, wetlands, surface and ground water of the Indian River, Manistique River and Lake Michigan have had and continue to have a adverse effects on River water, lake water, wetlands, aquatic life, water fowl and wetland nursery habitat, which interfere with and disturb plaintiff's use an [sic] enjoyment of Lake Michigan and it's [sic] environs, and injures plaintiff's interest in the aesthetic, conservational and recreational values to the area.

(See Cmplt., ¶ 9) (emphasis added). See also id. ¶ 10. Again, this allegation states nothing more than that Mr. Pape uses and enjoys Lake Michigan and its environs, which can be alleged by most Michigan residents.

The Court in Lujan held that a "plaintiff claiming injury from environmental damage must use the area affected by the challenged activity and not an area roughly 'in the vicinity' of it." Id. at 367 (citing Lujan v. Nat'l Wildlife Federation, 497 U.S. 871, 887-89 (1990))(emphasis added). Mr. Pape's allegations do not even come close to meeting this standard; his residence is over 100 miles away from "the challenged activity," i.e. operation of the RMA.

Standing requires a factual showing of perceptible harm. Id. at 368. "To say that the Act protects ecosystems is not to say that the Act creates (if it were possible) rights of actions in persons who have not been injured in fact, that is, persons who use portions of an ecosystem not perceptibly affected by the unlawful action in question." Id. at 367-68. All of the analytical testing done on Manistique Papers' residuals clearly demonstrates that they are inert, and not even harming the RMA, much less the surrounding area in the Upper Peninsula.

The result is the same under Michigan law. "In order to have standing, a party must . . . show a substantial interest and a personal stake in the outcome of the controversy." Rogan v. Morton, 167 Mich. App. 483, 486 (1988); accord Trout Unlimited, Muskegon-White River Chapter v. City of White Cloud, 195 Mich. App. 343, 348 (1992). In Trout Unlimited, the court held that the plaintiffs had standing to raise environmental claims challenging the construction of a dam on the White River because one party was actually a riparian landowner on the White River whose property was being threatened, and the other party was a nonprofit corporation with the specific purpose of protecting cold-water resource and which had a great number of members who owned property around the White River. Id. at 349 (emphasis added).

Mr. Pape has not alleged (and cannot establish) that he has suffered a concrete, particularized and actual "injury in fact" from Manistique Papers' ownership and operation of the RMA. Under either analysis, Mr. Pape lacks standing to raise any environmental claims against Manistique Papers. As a result, Manistique Papers respectfully requests this Court to dismiss Mr. Pape's Complaint.

B. Mr. Pape's Complaint Fails To State A CERCLA Claim.

Mr. Pape has sued Manistique Papers under the "citizen suit" provision of CERCLA, which states:

[A]ny person may commence a civil action on his own behalf -- (1) against any person . . . who is alleged to be in violation of any standard, regulation, condition, requirement, or order which has become effective pursuant to this chapter

(See 2d Cmplt. ¶ 1); 42 U.S.C. § 9659(a)(1). Specifically, he alleges in his "Third Cause of Action" that Manistique Papers has failed to report a release of hazardous substances to the

National Response Center in violation of CERCLA, Section 103, 42 U.S.C. § 9603. (See 2d Cmplt., ¶ 46). Mr. Pape also alleges that Manistique Papers is subject to the payment of all necessary "response costs" incurred by him, under CERCLA, Section 107, 42 U.S.C. § 9607. (See 2d Cmplt., ¶ 49).

Under CERCLA, "releases" of "hazardous substances" under Section 103, U.S.C. § 9603, must be reported only when they constitute a "reportable quantity" within the meaning of Section 102 and regulations promulgated thereunder. See 42 U.S.C. § 9602. The second complaint technically does not even allege that a release of a hazardous substance in a reportable quantity ever actually occurred at Manistique Papers' RMA. Instead, Mr. Pape simply alleges in a conclusionary fashion that Manistique Papers "has failed to give notice of releases or threaten [sic] releases in reportable quantities to the National Response Center." (See 2d Cmplt., ¶ 31). However, no release of a "hazardous substance" in a "reportable quantity" has ever occurred at Manistique Papers' RMA. (Bittner Aff. ¶ 22).

The Court should also note that Mr. Pape may not sue to recover "response costs" under CERCLA, Section 107, 42 U.S.C. § 9607(a)(4)(B). The statute states that an owner or operator, among others, is liable for "necessary costs of response incurred by any other person consistent with the national contingency plan." 42 U.S.C. § 9607(a)(4)(B). Mr. Pape could not possibly have actually incurred any response costs in connection with the RMA. Mr. Pape's Complaint does not allege that he has actually incurred any response costs, nor does it specify the nature of the response costs for which Mr. Pape seeks recovery. Instead, his Complaint contains only a blanket assertion that Manistique Papers is liable for the "payment of all necessary

response costs incurred by the plaintiff consistent with the National Contingency Plan pursuant to Section 107 of CERCLA" (See Cmpl't., ¶ 49).

In McGregor v. Industrial Excess Landfill, 856 F.2d 39, 42 (6th Cir. 1988), the Sixth Circuit Court of Appeals held that a plaintiff's claim to recover incurred response costs must do more than simply mirror the broad language of Section 107 in order to survive a motion to dismiss. The court held that because plaintiffs "failed to allege any . . . factual basis for their conclusory allegation that they had personally incurred response costs consistent with the National Contingency Plan . . . [t]he district court was not, therefore, required to presume facts that would turn plaintiffs' apparently frivolous claim under Section 107 of CERCLA into a substantial one." Id. at 43.

A similar result was reached in Rhodes v. County of Darlington, S.C., 833 F. Supp. 1163, 1184 (D.S.C. 1992), where the plaintiffs alleged that they had incurred expenditures that were response actions within the meaning of CERCLA, Section 107. The court rejected this blanket assertion and granted defendant's motion for summary judgment:

The Plaintiffs have simply failed to allege and demonstrate, either substantively or procedurally, that they have incurred response costs which are either removal or remedial in nature. The Plaintiffs have offered no evidence as to what costs they have incurred and why such costs were incurred. The Plaintiffs have offered the barest of explanations of what activity was encompassed by their costs. Their suit papers merely recite bald assertions

Id. at 1184-85. Accord Ascon Properties v. Mobil Oil Co., 866 F.2d 1149, 1154 (9th Cir. 1989). Because Mr. Pape's Complaint does not contain any reference to the nature of the response costs he allegedly incurred, his claim for recovery of those costs should be dismissed as a matter of law.

Here, Mr. Pape could not possibly have incurred response costs because he has never been granted permission by Manistique Papers to enter the RMA and undertake any removal or remedial actions. (Christensen Aff. at ¶ 16). Further, Mr. Pape may not recover any attorney fees or other litigation expenses under CERCLA Section 107, thus obviating recovery of the costs of filing this action as a "response" cost under CERCLA. See Key Tronic Corp v. U.S., ____ U.S. ____, 114 S. Ct. 1960, 128 L.Ed. 2d 797, 807 (1994)("CERCLA § 107 does not provide for the award of private litigants' attorney's fees associated with bringing a cost recovery action"); Redland Soccer Club, Inc. v. Department of Army, 801 F. Supp. 1432 (M.D. Pa. 1992)(expert witness fees are not recoverable).

Mr. Pape has not alleged (and cannot establish) that he has incurred environmental response costs within the meaning of CERCLA, Section 107. Accordingly, Manistique Papers respectfully requests that this Court dismiss Mr. Pape "Third Cause of Action."

C. Plaintiff's Complaint Should Be Dismissed Because This Court Lacks Diversity Jurisdiction Over The Remaining State Law Claims.

Upon dismissal of the federal CERCLA claim at the outset, only state law claims will remain pending, over which this Court does not possess diversity jurisdiction under 28 U.S.C. § 1332(a). Mr. Pape is a "resident of the State of Michigan" (See 2d Cmplt., ¶ 9). Manistique Papers is a Delaware corporation with a principal place of business in Manistique, Michigan. (Christensen Aff., ¶ 1). Where no diversity of citizenship exists between a plaintiff and a defendant, no federal diversity jurisdiction can be established pursuant to 28 U.S.C. § 1332.

Newman-Green, Inc. v. Alfonso-Larrain, 490 U.S. 826, 829 (1989); Fletcher v. Advo Systems, Inc., 616 F. Supp. 1511, 1513 (E.D. Mich. 1985).

Further, this Court should also decline to exercise supplemental jurisdiction over the state law claims under 28 U.S.C. § 1367(c). Here, as set forth below, Mr. Pape's state law claims and Manistique Papers' defenses to those claims raise novel issues of state law. Also, Mr. Pape's state law claims, i.e. 3 of the 4 claims alleged in the second complaint, substantially predominate over the federal CERCLA claim, which is much more limited in nature and scope than the state law theories of relief. Accordingly, Manistique Papers respectfully requests that the Court dismiss all state law claims without prejudice to Mr. Pape's refiling those claims in the appropriate Michigan state circuit court.

D. Plaintiff May Not Allege A Violation of Michigan's Solid Waste Management Act Because That Statute Does Not Contain A Private Right Of Action Or A Citizen's Suit Provision.

As a matter of law, Mr. Pape may not allege a violation of Michigan's Solid Waste Management Act, M.C.L. § 11501 et seq., (299.401 et seq.)("Act 641"). Act 641 does not contain a private right of action. Section 33 of Act 641 expressly addresses who may file suit under the statute:

(1) The director or a health officer may request that the attorney general bring an action in the name of the people of the state, or a municipality or county may bring an action based on facts arising within its boundaries, for any appropriate relief, including injunctive relief, for a violation of this part or rules promulgated under this part.

* * * *

(4) This act shall not be construed to preclude any person from commencing a civil action based on facts that may also constitute a violation of this act or the rules promulgated under this part.

M.C.L. § 11546 (1), (4); (299.433(1),(4)).

In Dafter v. Superior Sanitation Service, Inc., 198 Mich. App. 499 (1993), the Michigan Court of Appeals held that the above language means only that "a private citizen is not prohibited from commencing a civil action merely because the suit is based on facts that also constitute a violation of the act." Id. at 502. However, "[t]he provision clearly does not grant a private citizen the right to commence a civil action under the act alleging injuries as a member of the general public." Id. at 503.

Because the statute does not contain a private citizen's suit-type cause of action, Manistique Paper respectfully requests that Mr. Pape's Act 641 claim be dismissed.

E. Plaintiff May Not File Suit Under MEPA In Federal Court Because The Statute Confers Exclusive Jurisdiction On State Courts.

Under the Michigan Environmental Protection Act's ("MEPA") grant of jurisdiction:

"[t]he attorney general or any person may maintain an action in the circuit court having jurisdiction where the alleged violation occurred or is likely to occur for declaratory and equitable relief against any person for the protection of the air, water, and other natural resources and the public trust in these resources from pollution, impairment, or destruction."

M.C.L. § 1701(1); (691.1201). The express language of this section states that a MEPA case should be maintained in the "circuit court having jurisdiction" where the alleged violation occurred or is likely to occur. Thus the statute, by its own terms, grants exclusive jurisdiction

of MEPA actions to the Michigan state circuit courts. Mr. Pape may not maintain a MEPA case in federal district court.

This provision originated from the Michigan Legislature's desire to facilitate the state court's ability to review the decisions of state agencies in order to evaluate challenges made to those decisions under MEPA. In fact, "the essence of MEPA is allowing individuals or groups a state judicial venue for challenging [state] agency action." Her Majesty the Queen v. City of Detroit, 874 F.2d 332, 337 (6th Cir. 1989). MEPA specifically authorizes the court to determine the validity, applicability and reasonableness of any standard for pollution or pollution control equipment set by state agency and to specify a new or different pollution control standard if the state agency's standard falls short of the substantive requirements of MEPA. See id. By enacting the statute, "the Michigan legislature has clearly left to the state courts the task of giving substance to MEPA by developing a state common law of environmental quality." Id. at 338 (emphasis added). Moreover, MEPA grants sweeping powers of review to state courts over the actions of state agencies.

[MEPA] is a state statute that provides de novo review in state courts, allows the state courts to determine any adverse environmental impact, and to take appropriate measures. Michigan courts are not bound by any state administrative finding, or any federal law. Even though the federal government may determine that a plant is not in violation with either state or federal environmental laws, Michigan courts are still empowered to determine whether the standards applied by the federal government are appropriate and if not, determine whether the plant would meet any more stringent standards selected by the Michigan courts. In sum, MEPA creates a state environmental common law that is unaffected by federal law, and creates an independent state action that is unaffected by anything that happens in the federal sphere of government.

Id. at 341.

As an example of the scope of review granted under MEPA, in Citizens Disposal, Inc. v. Department of Natural Resources, 172 Mich. App. 541, 543 (1988), the Court of Appeals held that the Ingham County Circuit Court was obligated to review MDNR's failure to grant a permit to the plaintiff under the de novo standard of review. The Court of Appeals emphasized the role of state courts as a check on state agency actions and the extraordinarily broad powers granted under MEPA:

It is true that the statute in the Revised Judicature Act which authorizes appeals to the circuit court from any order, decision, or opinion of any state board, commission, or agency from which an appeal or other judicial review has not otherwise been provided by law has not been construed as requiring a de novo standard of review, but rather a standard limited in scope to whether a final decision, finding, ruling, or order is authorized by law and, in cases in which a hearing is required, whether the same is supported by competent, material, and substantial evidence on the whole record. However, the Supreme Court has clarified that "the Michigan environmental protection act requires independent, de novo determinations by the courts."

Id. at 546 (citations omitted).

The exclusive grant of jurisdiction to the state circuit courts is a natural outgrowth of this sweeping power given to state courts to review agency actions. Close examination of the language of the statute establishes that state courts provide the only possible forum in which MEPA actions may be brought against a state agency; MEPA does not waive sovereign immunity, and no plaintiff may maintain suit against a state agency in federal court without violating the Eleventh Amendment. The Amendment operates to bar suits by any citizen against a state or its agencies in federal court. Welch v. Texas Dep't of Highways & Public Transportation, 483 U.S. 468, 472 (1987); Pennhurst State School & Hospitals v. Halderman, 465 U.S. 89, 98 (1984). While a state may statutorily waive its immunity from suit in federal court,

the waiver must be "stated 'by the most express language or by such overwhelming implications from the text as [will] leave no room for any other reasonable construction.'" Edelman v. Jordan, 415 U.S. 651, 673 (1974)(citation omitted). A state's consent to suit in its own courts does not imply a waiver of its immunity from suit in federal courts. Ford Motor Co v. Indiana Dep't of Treasury, 323 U.S. 459, 465 (1945).

The federal district courts sitting in Michigan should not be in the business of "giving substance to MEPA by developing a state common law of environmental quality." Further, the federal district courts should not be in the business of reviewing MDNR's actions with respect to Manistique Papers' RMA and specifying a "new or different pollution control standard" under the evolving state common law of MEPA.

Accordingly, Manistique Papers respectfully requests that the Court dismiss Mr. Pape's MEPA claim without prejudice to refile it in the appropriate state circuit court.

F. Plaintiff's Complaint Does Not Establish A Prima Facie Case Under MEPA.

As discussed above, MEPA authorizes a court to grant "declaratory and equitable relief against any person for the protection of the air, water, and other natural resources and the public trust in these resources from pollution, impairment, or destruction." M.C.L. § 1701(1); (691.1201). In order to establish a prima facie case under MEPA, "the trial court must consider whether a natural resource was involved and whether the effect of the activity on the environment rose to the level of impairment to justify the court's injunction." Holly Township v. Department of Natural Resources, 194 Mich. App. 213, 216 (1992). In determining whether the activity's effect rises to an impairment, the court should consider the following factors:

(1) whether the natural resource involved is rare, unique, endangered, or has historical significance, (2) whether the resource is easily replaceable (for example, by replanting trees or restocking fish), (3) whether the proposed action will have any significant consequential effect on other natural resources (for example, whether wildlife will be lost if its habitat is impaired or destroyed), and (4) whether the direct or consequential impact on animal or vegetation will affect a critical number, considering the nature and location of the wildlife affected.

Dafter, supra, 198 Mich. App. at 504 (citations omitted).

Mr. Pape's Complaint does not address any of these factors and does not present a prima facie argument under MEPA. Instead, Mr. Pape simply offers the following blanket assertion: "Manistique allowed unlawful disposal of hazardous waste at a open dump at which time it was owner and operator, which constitutes conduct which has, or is likely to pollute, impair the air, water or other natural resources of the State of Michigan, or the Public trust therein in violation of §§ 14.528(202) of Michigan's Environmental Protection Act, MCL §§ 691.1201." (See 2d Cmplt., ¶ 51).

Such a conclusionary allegation does not state a prima facie case under MEPA. This issue was specifically addressed by the Michigan Court of Appeals in Dafter. The court held that mere recitation of the statutory provision in a complaint does not state a prima facie case of a MEPA violation.

[P]laintiff merely alleged in its complaint that Superior's [the defendant] violations of the SWMA at both landfills "has and is likely to pollute, impair or destroy the air, water and other natural resources." Plaintiff merely states this conclusion without any facts to support it. Accordingly, we find that the trial court properly granted summary disposition where the record revealed that plaintiff failed to establish a prima facie showing that Superior's actions in the construction, operation, and closure of its landfills rise to the level justifying the issuance of an injunction under MEPA.

Id. at 504-05. Mr. Pape's second complaint fails to allege that Manistique Papers' operation of its RMA implicates any of the prima facie MEPA factors.

G. Mr. Pape's Claim Under Act 64 Fails On The Merits Because Manistique Papers' RMA Is Not Permitted Under Michigan's Hazardous Waste Management Act.

Michigan's Hazardous Waste Management Act regulates the generation, transportation, and disposal of hazardous waste. See M.C.L. § 11101, (299.501)("Act 64"). The Act defines hazardous waste as a solid waste, or a combination of solid wastes that because of their quantity, concentration, or physical, chemical, or infectious characteristics may either: (a) cause or significantly contribute to an increase in mortality or an increase in serious irreversible or serious incapacitating but reversibly, illness or (b) pose a substantial present or potential hazard to human health or the environment when improperly managed. M.C.L. § 11103(3), (299.504(3)).

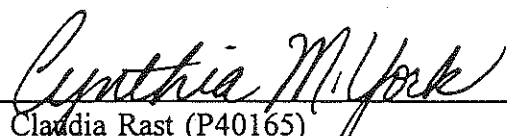
Mr. Pape's claim that Manistique Papers violated the provisions of the HWMA fails because the residuals disposed of in the RMA are not now, and have never been, "hazardous wastes" as defined by Act 64. (Bittner Aff. ¶ 21). The residuals have been tested for over 100 specific substances on both a total compositional basis and on the basis of leachate produced from the residuals, in accordance with sampling and testing procedures approved by MDNR. (Bittner Aff. ¶ 13). This testing has demonstrated repeatedly that the residuals are not only non-hazardous, but also compare favorably to native soils found in the Western Upper Peninsula of Michigan. (Bittner Aff. ¶ 14). In light of the fact that Manistique's waste stream is non-hazardous, Manistique Papers is not required to comply with the regulations established by Michigan to regulate the generation, transportation and disposal of hazardous wastes or other

become permitted as a hazardous waste disposal facility. Mr. Pape's claim that Manistique Papers has violated Act 64's licensing and operating requirements is without merit and Manistique Papers respectfully requests the Court dismiss the Act 64 claim.

IV. CONCLUSION

For the foregoing reasons, Defendant Manistique Papers, Inc. respectfully requests that the Court grant its Motion and dismiss the Complaint in its entirety.

DICKINSON, WRIGHT, MOON, VAN DUSEN &
FREEMAN

By: 
Claudia Rast (P40165)
Cynthia M. York (P39722)
Attorneys for Defendant Manistique Papers, Inc.
500 Woodward Avenue, Suite 4000
Detroit, Michigan 48226
(313) 223-3500

Dated: April 27, 1995

From: ANN KERBS
To: SHARROW-DIANE
Date: 9/8/97 3:49pm
Subject: Manistique Paper -Reply

9/15/97
Nebrasper
ORC-29
FYI

Diane Sharrow

Diane - here's a copy of the letter. Ann.

Dale K. Pape, Senior
3320 Highway 577
Wallace, Michigan 49893

R-19J

Re: Manistique Paper, Inc.
U.S. EPA I.D. No. MID 981 192 628

Dear Mr. Pape:

I am in receipt of your letter dated August 7, 1997, that was sent by facsimile to Ms. Carol Browner of the United States Environmental Protection Agency (U.S. EPA). The matter was forwarded to my office for a response.

Thank you for the information you provided regarding the potential waste pile at the Manistique Paper, Inc. facility in Manistique, Michigan. The U.S. EPA is aware of the waste pile in question, and is in the process of reviewing the information currently in our possession to determine what response, if any, is warranted. In order to make that determination, the U.S. EPA requested information on the pile from Manistique Paper, Inc. in March of 1997 pursuant to Section 3007 of the Resource Conservation and Recovery Act. Your letter mentions that you have sampling and analysis information on the material contained in the pile. We would be interested in reviewing this information, if you are interested in sharing it with the U.S. EPA. Any information you can provide will assist us in making a determination on what actions, if any, are called for in this situation.

I encourage you to send any pertinent documents to Diane Sharrow, U.S. EPA Region 5, DRE-9J, 77 West Jackson Boulevard, Chicago, Illinois 60604. If you have any further questions, please contact Ms. Sharrow at (312) 886-6199. We appreciate your concerns regarding this matter.

Sincerely yours,

Note from Gale Husker

8/21/97

Re: Dale Pope complaint

Spoke with

Barbara Pace (Attorney involved with 4 ^{separate} actions)
EPA. H.Q.

401 M. Street SW. - MS. 2366
Washington D.C. 20460
202 260 -7713

She is involved with 4 other actions involving Mr. Pope

She said that ^{since} this is a new facility, and since this is the notice required under 7002, we (the Region) should look into it and prepare whatever response we feel is necessary. (This is not the site S. Kolak addressed in her letter of 7/21/97, but this one also ^{inspected} on Ms. Pace would like a copy of the response

FACSIMILE COMMUNICATIONS

United States Environmental Protection Agency
Carol Browner, Administrator
401 M Street Washington, D.C.

August 7, 1997

Reference: Illegal Disposal of Hazardous Waste. Location:
Schoolcraft County, Manistiquie, Michigan. Originator of
waste, Manistiquie Paper Inc. ("MPI"). Location of
Disposal MPI Dump, Township Hiawatha, County
Schoolcraft, Michigan. State County Code 77. Federal
County Code 153 Location Code 77-42N-16W-36

Dear Ms. Browner:

Both the Michigan Department of Environmental Quality ("MDEQ") and the United States Environmental Protection Agency ("USEPA") are fully aware of the past and present dumping practices of MPI at the above referenced dump.

In the 1970's MPI's sludge highly contaminated with PCB's dredged from the papermill's former de-inking lagoon and primary treatment area was hauled to the above referenced dump.

In the 1980's MPI was reported by MPI employees to the MDEQ to be illegally dumping of solvents (listed as hazardous waste) and barrels at the above referenced dump.

In the late 1980's MPI's dump was placed on the Michigan 307 site listing but yet still operated under the MPI's NPDES permit.

On August 31, 1993 I had sampled and had tested surface water from the MPI dump, the results are as follows: Acetone 4,200 ug/l, Methyl Ethyl Ketone 2,200 ug/l, Barium 125 ug/l, Chromium 300 ug/l, Copper 290 ug/l, Lead 450 ug/l, Silver 20 ug/l, Zinc 500 ug/l.

In the past 4 years with RCRA and CERCLA federal litigation and meetings with both USEPA officials and MDEQ officials nothing has been done by these agencies to protect the environment. Despite that this dump lies in a wetlands location on the north and east sections of the property used for disposal of sludge by MPI. The Manistiquie River borders the dump on the east. The Indian River, less than 1/4 mile south of the dump, is utilized by the City of Manistiquie for their municipal water supply. Local subsurface conditions at the dump are conducive to the transportation of contaminants through soils into the ground water and near by surface waters.

On October 11, 1988 Steve J. Harrington, MDNR wrote to Leif Christensen, President, MPI, and stated "The hydrogeologic study indicates a strong likelihood that water quality within the

underlying fractured limestone bedrock has been adversely affected by the waste pile."

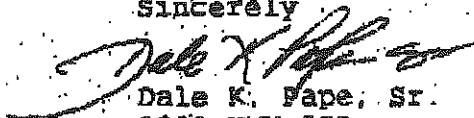
Because my past efforts have failed and that such efforts have caused a hardship upon me in the way of sanctions of more than \$18,000 dollars I am compelled to request your office to take upon it's non-discretionary duty to inspect a facility that through MPI's past dumping practices has made such to become a hazardous waste site as previously listed by the State of Michigan and then in 1995 through political pressure becomes a non-hazardous inert dump-site which is allowed to receive waste as of this date.

My request comes under the Administrators Procedures Act (APA) and RCRA 7002 Sub Chapter III brought under para (a) (2). The Administrator of the EPA has a non-discretionary duty to inspect facilities for the treatment, storage, or disposal of hazardous waste. I hereby seek to compel the EPA to enforce it's non-discretionary duty to inspect the MPI Hazardous Waste Management Facility.

If the Administrator fails to inspect the MPI dump I will commence the proper Action against her under the citizens rights provisions of RCRA/ CERCLA and APA.

Please feel free to contact me if you have any question in respect to this communications.

Sincerely



Dale K. Pape, Sr.
3320 HWY 577
Wallace, Michigan 49893
Phone #(906) 863-9534
Faxes #(906) 863-8425

AUG 29 1997

Dale K. Pape, Senior
3320 Highway 577
Wallace, Michigan 49893

R-19J

Re: Manistique Paper, Inc.
U.S. EPA I.D. No. MID 981 192 628

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I encourage you to send any pertinent documents to Diane Sharrow, U.S. EPA Region 5, DRE-9J, 77 West Jackson Boulevard, Chicago, Illinois 60604. If you have any further questions, please contact Ms. Sharrow at (312) 886-6199. We appreciate your concerns regarding this matter.

Sincerely yours,

Original Signed by
Norman R. Niedergang

David A. Ullrich
Acting Regional Administrator

From: Diane Sharrow
To: R5CHG.IN("enviro@cybrzn.com")
Date: 7/19/98 9:21am
Subject: Manistique Papers, Inc. -Reply

Mr. Pape,

I can be available at 10 am CST /11 am EST on Mon 7/20.

I can also be available on Weds. 7/22 - if you set a time on Monday.

Please see my answers below.

>>> "Dale K Pape Sr." <enviro@cybrzn.com> 07/16/98 01:03pm >>>

Dear Ms. Sharrow

Please inform me when you would be available in the week of July 20, 1998 for discussion on the above reference subject. The questions I have are as follows:

1. Did EPA make a determination that such dumpsite setting was located in a wetlands?

Since I work in the RCRA program I cannot specifically make a wetlands determination. However, I did collect information to aid the Agency wetland program in making such a determination. This information is on video and will be in the Final report.

2. At what locations at the dumpsite did EPA take soil samples?

It is difficult to give you answers without a map - essentially we took drill samples from three parts of the pile in a roughly triangular shape. We drilled to native soil - i.e., we took samples from the newest and oldest material.

3. How many sludge samples were taken from the dumpsite and at what location in the dumpsite were such samples taken?

The samples we took from the RMA pile were not specifically of sludge, it was of whatever material we encountered as we drilled laterally - we had some samples that were sludge like, others that were soil like.

I am not in the office today, so i cannot give you an exact count. What we did was use a HNU (a sniffer) on each sample and then decided whether it should be sent to the lab for further analysis (this was done for cost savings and to aid in sending those samples that were most likely to contain waste to the lab)

4. Did EPA sample the sludge presently being hauled to the dumpsite?

Yes, both in November and in June. We also took samples from the sludge as it was actually generated in the plant itself.

5. Did EPA sample and test all monitoring wells located at the dumpsite?

No. We took samples from those wells that would give us an indication as to whether groundwater had been contaminated - i.e., those down gradient from the pile.

6. Did EPA receive test data requested from MPI split samples taken in November 1997?

Yes

If so could I get a copy of such?

I will have to check with our atty to see if I can release it.

If MPI has failed to fulfill EPA's request what action has EPA taken to compel MPI to comply?

Not applicable. If they had failed, we would consider enforcement action under RCRA Section 3008a for failing to comply with a request under Section 3007 of RCRA.

7. What specific issue caused EPA to inspect MPI's Dumpsite?

EPA RCRA program did a file review after receipt of your notice intent to sue under RCRA, I believe this was in about 1996. RCRA discussed the file review with EPA Superfund and EPA Wetlands Program, the US Fish and Wildlife Service, as well as DEQ WMD in Lansing, DEQ ERD in Lansing, and staff from DEQ water and Waste programs in Marquette. We then issued a RCRA 3007 information request to MPI and asked for copies of all manifest from DEQ.

EPA RCRA thought that sampling would provide us with data that we could not find in the file review and through the 3007 Info Request, on what may have had been disposed of and was currently being disposed of and an assessment of whether it had impacted the environment

We then had to locate the funds to do the sampling. This was done in early 1997. Sampling was delayed while I was on maternity leave. The sampling in November 97 was redone in June 1998 due to problems with the lab used by EPA's contractor. These problems were not specific to the MPI sampling, but sampling from across the country at a number of sites and by private companies as well as EPA.

Did my lawsuit against Browner, create this inspection?

I, personally, was not and am not aware of a lawsuit against EPA/Carole Browner.

8. What involvement has the MDEQ played in this inspection?

See above. EPA has discussed the site with staff and management from DEQ. It is my understanding that DEQ is attempting to close the site and that MPI is to build another site. I am not aware of the specifics on either. My supervisor has been asked to brief DEQ before EPA takes any action at MPI based on the Final Report.

9. What government agencies other than the USEPA were involved in the MPI inspection?

No other Federal agencies were involved. DEQ WMD stff from Marquette attended, but were not specifically involved. They did not split samples with us.

and why?

See above.

10. Can I receive a copy of the plan that was used for the MPI inspection on the dumpsite?

I will have to check with the EPA Atty. We consider parts of the Plan enforcement sensistive, and it has not been releases in its entirity to anyone outside of EPA. That is, DEQ and MPI have not received this Plan either.

I apprciate you past response to my letters, if for any reason you can not answer some of my questions listed above could you explain why?

I think I have answred all of your questions. The only reason I would not answer questions on MPI would be if I thought it would jeopardize EPA's ability to make or take an enforcement decision at MPI. Whether an enf action is taken or not taken, will be based on the Agency;s discretion; i.e., whether the Agency can support with evidence that a violation of RCRA has occurred.

Thank You

Dale K. Pape
e-mail address enviro@cybrzn.com
3320 Hwy 577
wallace, Michigan 49893
(906)863-9435
fax: (906) 863-8425

Note from Gail Huska

8/21/97

Re: Dale Pope complaint

Spoke with

Barbara Pace (Attorney involved with 4 ^{separate} actions)
EPA-HQ.

401 M. Street SW. - MS. 2366
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She is involved with 4 other actions involving Mr. Pope

She said that ^{since} this is a new facility, and since this is the notice required under 7002, we (The Region) ^{she} look into it and prepare whatever response we feel is necessary. (This is not the site S. Kolak addressed in her letter of 7/21/97, but this one also asks for an ^{inspect} inspection)
Ms. Pace would like a copy of the response

LAW OFFICES
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STEVEN C. NADEAU
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WEB SITE: <http://law.honigman.com>

WEST PALM BEACH, FLORIDA
LANSING, MICHIGAN
TAMPA, FLORIDA

RECEIVED
MAY 02 1997
DIVISION FRONT OFFICE
Waste, Pesticides & Toxics Division
U.S. EPA - REGION 5

April 30, 1997

Diane M. Sharrow
Michigan/Wisconsin Section
Enforcement and Compliance Assurance Branch
Waste, Pesticides and Toxics Division
U.S. Environmental Protection Agency - Region V
77 West Jackson Boulevard, Attn: DRE-8J
Chicago, Illinois 60604-3590

Re: Manistique Papers, Inc. - RCRA § 3007 Objections and Response

Dear Ms. Sharrow:

Enclosed please find Manistique Papers, Inc.'s Objections and Response to U.S. EPA's March 11, 1997 RCRA § 3007 Request.

Please do not hesitate to contact me should you have any questions regarding Manistique Papers' response.

Thank you.

Very truly yours,



Steven C. Nadeau

SCN/mrb

Enclosures

cc: Deborah Garber, Esq., U.S. EPA (w/encl)
Jim Sygo, MDEQ/WMD-Lansing (w/encl)
R. Schmeling, MDEQ-Marquette (w/encl)

DET03/152563.1

**MANISTIQUE PAPERS, INC.'S OBJECTIONS AND RESPONSE
TO U.S. EPA'S MARCH 11, 1997 RCRA § 3007 REQUEST**

GENERAL OBJECTIONS

Manistique Papers, Inc. (MPI" or the "Mill") objects to U.S. EPA's March 11, 1997 RCRA § 3007 information request on the following grounds:

- (1) U.S. EPA has no statutory authority under RCRA to issue an information request to MPI pertaining to the Mill's Residual Management Area ("RMA") because at all relevant times covered by the request, the RMA was permitted under the exclusive authority of the Clean Water Act ("CWA") (and its predecessor, the Federal Water Pollution Control Act), and operated pursuant to the Mill's approved Program for Effective Residuals Management ("PERM");
- (2) U.S. EPA has no statutory authority to issue a RCRA § 3007 request pertaining to the Mill's RMA. U.S. EPA's RCRA § 3007 authority for information requests relates to any person who "generates, stores, treats, transports, disposes of or otherwise handles or has handled hazardous waste."¹ Since the information in U.S. EPA's files from the State of Michigan confirms the non-hazardous status of the Mill's residuals and because MPI has never sent any hazardous waste to the RMA, there is no statutory basis for this inquiry;

¹In the U.S. EPA Office of General Counsel Memorandum dated April 17, 1986 from Francis S. Blake to J. Winston Porter, Mr. Blake concludes that U.S. EPA's inspection authority (and consequently its request authority) "extends to any establishment, place or facility that either presently or in the past has handled solid waste that EPA reasonably believes may meet the statutory definition of hazardous waste". (Emphasis added.)

- (3) The information request constitutes a duplicative and unnecessary use of Agency and MPI resources in light of the fact that the RMA has been the subject of regulation and detailed review and evaluation by the Michigan Department of Environmental Quality ("MDEQ") and its predecessor, the Michigan Department of Natural Resources ("MDNR") over the past twenty years or more. This information request imposes an unnecessary and wasteful burden upon the Mill to provide information previously well-known to the State of Michigan and U.S. EPA;
- (4) The information request is overly broad, burdensome and seeks information irrelevant to the question of the "generation, storage, transportation and disposal of hazardous waste" under RCRA; and
- (5) There is no authority pursuant to RCRA § 3007 creating a respondent's continuing duty to supplement its response, as requested in the Agency's inquiry.

PRELIMINARY RESPONSE

The "Residuals" generated from the Mill's wastewater treatment system, which appear to be the primary focus of EPA's information request, constitute a solid material which has the properties and consistency of clay. In fact, the residuals have a permeability ranging from 10^{-7} to 10^{-8} cm/sec., which is equivalent to the type of clay currently used to construct landfill caps and liners. The residuals have been characterized (sampled) over the years (as set forth in greater detail in Table 2) and are virtually "inert" under Michigan's waste characterization codes (Michigan Public Act 451, Part 115, Rules 299.4114 through 299.4118). In fact, only slightly elevated levels of aluminum and manganese² precluded official designation of the material as "inert".

In addition, the only hazardous waste generated by the Mill currently and historically is a solvent product used and contained in four (4) parts washers located inside the Mill. This solvent is regularly removed and recycled by Safety Kleen. No solvents from the Mill were ever disposed at the RMA. MPI is a "Small Quantity Generator" under RCRA.

²Ironically, the residual's manganese levels are lower by a factor of 150 than those found in "Geritol", and the aluminum levels found in the residual are 20 times lower than that found in "Maalox".

INFORMATION REQUEST
(for the Production of Documents)

SPECIFIC RESPONSES

All responses below, unless otherwise indicated, relate to information post-dating November 8, 1980. All responses are subject to and are made without waiving the General Objections described above.

1. Did MPI generate solid waste after November 8, 1980?

ANSWER: Yes.

2. Has MPI generated a solid, liquid, semi-solid or contained gaseous material since November 8, 1980?

ANSWER: Yes.

3. Was any of the material identified by MPI in Item 2 discarded, or had it served its intended purpose, or was it a manufacturing or mining byproduct?

ANSWER: Yes.

4. Provide a list of the material identified by MPI in Item 3.

The answer to this question is included in Table 1, attached.

5. For each distinct waste or waste stream identified by MPI in response to Item 4, address the following?

- a. Was the waste generated by MPI on a regular, an intermittent or a one-time basis?
- b. Where was the waste physically generated?
- c. Was the waste generated by MPI stored prior to disposal?
- d. Was the MPI generated waste mixed with any other waste prior, during or after storage and disposal?
- e. Where was the waste stored or treated prior to transport or disposal? and
- f. Who transported the waste for disposal?

The answers to this question are included in Table 1, attached.

6. Was any of the material listed in Item 4 by MPI excluded under R 299.204 or 40 CFR 261.4(a) because it was domestic sewage, a Clean Water Act point source discharge, an irrigation return flow, an Atomic Energy Commission special nuclear or byproduct material or an in-situ mining waste?

ANSWER: Yes. Items (a), (b) and (c) in Table 1 are excluded from regulation under RCRA pursuant to 40 CFR 261.4(a) and/or Michigan Admin. Code R. 299.9204. In addition, Item (d) "dewatered residuals" is excluded due to the exclusive regulation of the residuals under the Mill's CWA NPDES current (No. MI 0003166) and historical permits.

7. Provide a list of the material identified by MPI in Item 6 as excluded under R 299.204 or 40 CFR 261.4(a).

ANSWER: See response to Question No. 6 above.

8. Provide any prepared documents that analyze or describe any MPI material excluded under R 299.204 or 40 CFR 261.4(a) as a Clean Water Act point source discharge, or any prepared documents that determine or conclude that any material point source discharged is excluded under R 299.204 or 40 CFR 261.4(a).

ANSWER: See "Preliminary Response", responses to Question Nos. 4 and 5, above, and Tables 2 and 3. In addition, voluminous copies of testing results from regular and focused sampling events of the Mill's outfalls have been conducted in accordance with NPDES permit requirements and have been submitted and are on file with MDEQ.

9. Provide a list of the material generated by MPI since November 8, 1980 that is a RCRA solid waste regardless of whether it was discarded, used, reused, recycled, reclaimed, or stored or accumulated for the purposes of discarding, using, reusing, recycling or reclaiming.

ANSWER: The Mill's "residuals" are not regulated as "solid waste" under RCRA due to their exclusive regulation under the CWA, pursuant to the Mill's current (No. MI 0003166) and historical NPDES permits. For a description of the Mill's "solid" waste items, see response Nos. 4 and 5, above.

10. Was any solid waste generated by MPI placed into a wetland?

ANSWER: Not to the best of our knowledge.

11. Has MPI ever applied for a Section 404 permit from the Michigan Department of Natural Resources, the Michigan Department of Environmental Quality or the United States Army Corps of Engineers for the Residuals Management Area (RMA)¹?

ANSWER: Not applicable.

12. Has MPI ever received a Section 404 permit from the Michigan Department of Natural Resources, the Michigan Department of Environmental Quality or the United States Army Corps of Engineers for the RMA?

ANSWER: Not applicable.

13. Is any of the material identified by MPI in Item 9 excluded from regulation under R 299.204 or 40 CFR 261.4(b)?

ANSWER: MPI objects to this question on the grounds it improperly seeks a legal conclusion. Subject to this objection, the Mill's residuals are excluded from regulation under RCRA for the reasons stated in response to Question No. 6, above.

14. Provide a list of the material generated by MPI since November 18, 1980, which is excluded under R 299.204 or 40 CFR 261.4(b).

ANSWER: See response to Question Nos. 6, 7 and 13, above.

15. What is MPI's program for establishing the characteristics of both solid and hazardous waste at MPI in accordance with R 299.302 or 40 CFR 262.11?

ANSWER: Manistique Papers, Inc. performs extensive testing of both liquid and solid waste materials originating from its Manistique mill. The majority of the liquid waste is treated process wastewater with lesser amounts of non-contact cooling water and intermittent discharges of storm water. All of these wastewater streams are discharged to the Manistique River through designated outfalls as authorized in the Mill's NPDES Permit No. MI 0003166.

¹ The RMA may also be known variously as the RMA, PERM, residuals area, sludge dump, or dump. The RMA may generally be described as the E $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Section 36, T42N R16W of Hiawatha Township in Schoolcraft County, and is located approximately 1 mile east of M-94 and 1.5 miles north of MPI with access off Frankovitch Road.

As a requirement of this permit, wastewater is tested and reports are filed with the Michigan Department of Environmental Quality. Since the original NPDES permit was issued to this facility, there have been several short term waste characterization studies performed, also in accordance with the permit requirements, with test results and reports submitted to MDNR and/or MDEQ.

Other liquid wastes that are produced in small quantities are parts cleaning solvent, used oil, and used antifreeze. MPI has contracted with Safety-Kleen, a licensed industrial waste hauler, to provide all waste characterization testing, transportation, disposal, and manifesting of these materials.

The Mill also produces dewatered residuals which originate from the Mill's primary and secondary wastewater treatment facilities. The Mill routinely (at least annually) tests the residuals on both a total and leachable basis for an extensive list of parameters, as shown in Table 2. A total of 34 waste characterization tests have been performed on the residuals since 1990. Additional waste characterization samples have been provided dating back to 1987 which were collected in conjunction with the Hydrogeological Study of the RMA completed in 1988. These additional test results are included in Table 3.

Boiler ash is also produced on a regular basis. This material has been tested on a total compositional basis and leachable basis either by MPI directly or by the commercial landfill that accepts the ash for disposal. The results from MPI's testing are included in Table 3.

16. Does the program described by MPI in response to Item 15 include any of the following, and if so, please describe any variations in the program for establishing the characteristics of the waste for each specific waste:
- a. coal ash
 - b. leachate
 - c. sludge
 - d. flyash
 - e. filter cake
 - f. contents of drums
 - g. contents of containers, and
 - h. any other solid waste.

ANSWER: The procedures described in the answer to Question #15 address all of the waste characterization testing procedures utilized for all of the following wastes: coal ash, sludge, fly ash, filter cake, contents of containers, and other solid wastes. There are no variations to the waste characterization procedures identified in the answer to Question #15.

17. How has the program described in response to Item 15 changed, or been altered since November 1980, with respect to the following:

- a. system changes?
- b. process changes?
- c. plant upsets?
- d. shutdown of green [SIC] ground wood pulp mill in 1984?
- e. sludges from ponds, settling ponds, basins, settling basins, slips, lagoons, slip lagoons, piles, impoundments or surface impoundments?
- f. spills?
- g. leaks?
- h. changes in specialty paper production?
- i. construction of the wastewater treatment plant, the addition of secondary treatment and modifications to the wastewater treatment plant?
- j. pump maintenance and failures?
- k. sump maintenance and failures?
- l. changes in chemicals used to remove paper contaminants?
- m. sewer line maintenance and breaks?
- n. equipment maintenance and oil leaks?
- o. underground tank maintenance and leaks?
- p. underground storage tank maintenance and leaks?
- q. reduction in the number of NPDES permitted outfalls? and
- r. changes in raw materials, including, but not limited to, additives and recycled paper sources?

ANSWER: All waste characterization testing performed by MPI is performed in accordance with either routine monitoring requirements set forth in the Mill's current NPDES permit; special studies or short term waste characterization studies also required by the NPDES permit; or federal or state regulations or guidelines for specific situations that arise. These various testing protocols are very broad in scope and, therefore, it has not been necessary to alter the program with respect to any of the listed situations.

18. On October 15, 1985, a leaking PCB transformer was found at MPI (see TSCA-V-C-536 Consent Decree). Where was the waste from cleanup/remediation of the MPI PCB transformer leak disposed?

ANSWER: The rags and cleaning material used to cleanup the half-dollar sized PCB stain on the concrete within the containment system for transformer #3 were disposed of by the Mill's contractor, Nationwide Electric Maintenance, Inc., at an appropriately licensed and permitted disposal facility.

19. How long has MPI owned the RMA?

ANSWER: Since approximately 1970.

20. How long has MPI operated the RMA?

ANSWER: Since approximately 1973.

21. Has the areal extent of the RMA been extended by MPI since 1976?

ANSWER: Yes, primarily, if not exclusively, by creep.

22. Was creep (movement of the waste material due to gravity, weight of overlying materials, etc.) accounted for by MPI in the response to Item 21?

ANSWER: Yes.

23. Provide copies of any documents MPI may possess, including photography and aerial photography, that pertains to the responses to Items 21 and 22.

ANSWER: EPA's file log reflects that the Agency already has copies in its possession of several photos and documents relating to the RMA. Other surface and aerial photos are available as a matter of public record. Nevertheless, the Mill has attached representative copies of photos (Exhibit A), a videotape (Exhibit B), and some representative drawings pertaining to the RMA (Exhibits C and D).

24. Were access roads, off-site roads and on-site haul roads, constructed primarily of sludge and ash material that immediately surround the RMA accounted for in the responses to Items 21 and 22?

ANSWER: Yes.

25. Did MPI ever apply for any permits to construct, expand or operate the RMA?

ANSWER: Yes.

26. If the response to Item 25 is yes, list the permits applied for and the entity to which the application(s) were sent (including, but not limited to, any application to the local health department, Corps of Engineers and the 1978 Act 641 application submitted to Michigan DNR).

ANSWER: The following permits were applied for:

- a. Title: National Pollutant Discharge Elimination System (NPDES) Permits
(with the following dates)*
 - application for 1980 permit*
 - application for 1985 permit*
 - application for 1990 permit*
 - application for 1997 permit**Entity: Michigan Department of Natural Resources*
- b. Title: Residuals Management Plan
Entity: Michigan Department of Natural Resources*
- c. Title: Application for a Solid Waste Disposal Area License
Entity: Michigan Department of Natural Resources*

27. Describe MPI's past and current security at the RMA to prevent disposal of non-MPI waste at the RMA.

ANSWER: The RMA is located with woods on three sides (north boundary, south boundary, and east boundary) with privately owned land on the west boundary. Access to the RMA in early years was initially down the Frankovich road that was a poorly maintained gravel road, as were the majority of the gravel roads at that time. Over the years, MPI has upgraded the road to an all-season road and subsequently had the road blacktopped.

The RMA was, and still is, a 24 hour per day, seven days per week, 365 days per year operation. MPI personnel are at the RMA on an hourly basis and are instructed to contact the waste treatment supervisor, the mill shift manager, the mill manager, or if need be, the local public safety department if any unauthorized personnel are on the premises.

A security light at the entrance to the RMA was installed, security fencing with a man gate, an electrical operated vehicle gate at the entrance, and a manually operated vehicle gate near the old railroad grade to prevent access was installed in 1981. Lighting inside the RMA and a phone extension from the Mill's phone system was also installed.

Throughout the years, MPI has acquired adjoining property as a further measure to isolate the RMA and provide further security to prevent the disposal of non-MPI waste.

28. Describe any incidents of non-MPI waste being managed, stored, treated or disposed at the RMA.

ANSWER: None, to the best of our knowledge.

29. Were drums, barrels or other containers ever stored or disposed at the RMA? If so, please indicate when and how it was determined whether those drums, barrels or containers contained solid or hazardous waste?

ANSWER: Prior to 1980, a limited quantity of barrels was taken to the RMA. All barrels were emptied of contents and then rinsed at the Mill prior to their transport to the RMA.

30. Identify the person(s) responsible for operation and maintenance of the RMA since 1980.

ANSWER: Rocky Danko and Jim Cook

31. Indicate whether the following persons were ever employed, or continue to be employed by MPI, and in what position: Nick Frankovitch, Jan Reque, Robert Bonish, Nick Beaudre, Grant Taylor, Dave Blahnik, John Garvin, Richard Aldrich, Darryl Carlson, John Johnson, Lauren Edwards, Bob Taylor, Eric Bourdeau, Tom Arnold, Jason Panek, James Cook and Henry Swanson.

ANSWER: Nick Frankovich, Sr., Storeskeeper, Retired; Nick Frankovich, Jr., Maintenance Mechanic; Jan Reque, Storeskeeper; Bob Benish, Maintenance Supervisor; Nick Beaudre, Automotive Mechanic; Grant Taylor, Master Mechanic, Retired; Dave Blahnik, Construction Supervisor; John Garvin, Automotive Maintenance; Richard Aldrich, Mechanical Engineer; Darryl Carlson, Boiler Room Operator; Jon Johnson, Plant Engineer; Lauren Edwards, Waste Treatment Operator; Bob Taylor, Sales/Service Representative; Eric Bourdo, Waste Paper Procurement; Tom Arnold, Waste Paper Procurement; Jason Panek, Technical Director; Jim Cook, Waste Treatment Supervisor. Henry Swanson was never an employee of MPI.

32. Has any solid waste generated by MPI been disposed of in any other location in Schoolcraft County since 1980?

ANSWER: Yes.

33. If the answer to Item 32 is yes, list the locations of disposal.

ANSWER: The only other location at which solid waste from MPI has been disposed of since 1980 is the CCDPW Landfill (Schoolcraft County Landfill). Material sent to the CCDPW Landfill originated from non-manufacturing areas and operations and was categorical Michigan Type II material.

34. Provide copies of sampling and analysis data for solid waste generated by MPI since 1980, including how the waste was sampled (representativeness), the number of samples and the quality control and assurance provided by the persons performing the sampling and the analysis.

ANSWER: Two tables are attached which provide all test data for residuals and ash produced by the Mill since 1987. Table 2 includes all waste characterization of Mill residuals from 1990 to 1996. Table 3 includes all waste characterization test results of Mill residuals from 1987 to 1993. Individual laboratory reports and QA/QC are voluminous, but can be provided if necessary upon request.

35. List the chemical constituents of any waste stream identified in response to Item 3, if the chemical analysis requested in Item 34 is not available for that waste stream.

ANSWER: Not applicable.

36. Is the RMA an engineered unit?

ANSWER: MPI is unsure of the meaning of Question No. 36 in the absence of a definition of "engineered unit" in the request or in the relevant environmental statutes. Nevertheless, MPI responds that the RMA is not "engineered" in the sense of modern design procedures. See response to Question No. 21, above, regarding the inception of the RMA.

37. If the response to Item 36 is yes, provide any maps, locational drawings, blueprints, etc., related to design, construction and maintenance of the unit.

ANSWER: Not applicable.

38. Provide the following notarized certification by a responsible company officer:

I certify under penalty of law that I have personally examined and am familiar with information submitted in responding to this Information Request for production of documents. Based on my review of all relevant documents and inquiry of those individuals immediately responsible for providing all relevant information and documents, I believe that the information submitted is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

Answer: See attached alternate sworn verification of MPI's response to U.S. EPA's RCRA § 3007 inquiry.

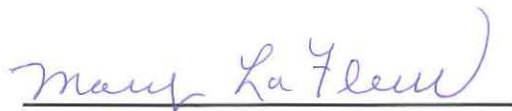
STATE OF MICHIGAN)
) ss.
COUNTY OF SCHOOLCRAFT)

LEIF CHRISTENSEN, being duly sworn, deposes and says that he is the President and General Manager of Manistique Papers, Inc., and that he verifies the foregoing Corporate Response to U.S. EPA's RCRA Section 3007 Information Request for and on behalf of Manistique Papers, Inc. Some of the matters stated therein are within his personal knowledge and for the other matters which are not, the Response is based on the facts and documents assembled by the employees and consultants of Manistique Papers, Inc. Based on his review of relevant documents and inquiry of those individuals immediately responsible for providing relevant information and documents, he believes that the information submitted is true, accurate and complete.



Leif Christensen

Subscribed and sworn to before me
this 29th day of April, 1997.



Mary LaFleur, Notary Public
Schoolcraft County, Michigan
My Commission Expires: 10/20/98

TABLE 1

**RCRA SECTION 3007 INFORMATION REQUEST
MANISTIQUE PAPERS, INC.
RCRA ID. NO.: M1D981 192628**

Answers to Questions #4 and #5

<i>Description of Material</i>		<i>Generated on Regular (R) or Intermittent (I) Basis?</i>	<i>Where Was Waste Generated?</i>	<i>Was Waste Stored?</i>	<i>Was Waste Mixed?</i>	<i>Where Was Waste Stored?</i>	<i>Who Transported Waste?</i>
a.	Process Wastewater	R	Mill Wastewater Treatment	No	No	N.A.	N.A.
b.	Non Contact Cooling Water	R	Machine Room Basement	No	No	N.A.	N.A.
c.	Storm Water	I	Mill Property	No	No	N.A.	N.A.
d.	Dewatered Residuals	R	Wastewater Treatment Plant	No	Yes	N.A.	Mill Trucks
e.	Miscellaneous Scrap Metals	R	Throughout Mill	Yes	Yes	Designated Areas at Mill	Mill Trucks or Commercial Hauler
f.	Pallets/Other Fibrous Material	R	Throughout Mill	Yes	Yes	Designated Areas at Mill	Mill Trucks or Commercial Hauler or Recycler
g.	Mill Trash	R	Throughout Mill	Yes	Yes	In Green Boxes or Rolloffs	Mill Trucks or Commercial Hauler
h.	Barrels	I	Throughout Mill	Yes	Yes	Rolloff Containers	Commercial Hauler
i.	Demolition Materials	I	Throughout Mill	Yes	Yes	In Designated Areas	Mill Trucks or Commercial Hauler
j.	Boiler Ash	R	Mill Power House	Yes	Yes	At Source	Mill Trucks or Commercial Hauler
k.	PCB Oil	One Time Basis	Mill Electric Substations	Contractor			ENSR
l.	Used Oil/Antifreeze	I	Throughout Mill	Yes	No	In Drums and Bulk Tanks	Safety Kleen
m.	Parts Cleaning Solvent	I	Four (4) Locations Within Mill	No	No	N.A.	Safety Kleen

TABLE 2
MANISTIQUE PAPERS, INC.
WASTE CHARACTERIZATION TESTING OF RESIDUALS
1990 - 1996

LEACHATE TEST ANALYSIS

Residuals Leachate					9-20-96 Composite																	
	Mean	Standard Deviation	95% UCL	12-31-96	7-19/7-22	8-1/8-4	8-5/8-8	8-12/8-15	8-3-95	8-24-93	8-20-93	9-16-93	9-21-93	9-27-93	4-9-93	*3-8-93	**3-8-93	2-23-93	10-1-91	9-3-91	11-2-90	9-18-90
Aluminum	0.868	0.994	1.289	0.056	0.23	BDL	1.8	2.3	1.2	0.58	0.42	0.19	1.3	0.2	0.06	0.06	0.66	0.082	3.1	2.5	--	--
Arsenic	0.0014	0.0020	0.0026	BDL	--	--	--	--	BDL	--	--	--	--	--	< 0.001	< 0.001	< 0.001	0.0013	< 0.005	< 0.005	< 0.005	< 0.005
Barium	0.568	0.361	0.778	0.093	--	--	--	--	0.25	--	--	--	--	--	0.39	0.64	0.3	0.39	1.1	1.2	0.72	0.6
Cadmium	0.0052	0.0107	0.0114	BDL	--	--	--	--	BDL	--	--	--	--	--	0.0004	< .0001	0.0008	< .0001	< .0001	< .0001	0.03	0.02
Chromium	0.0172	0.0220	0.0299	BDL	--	--	--	--	BDL	--	--	--	--	--	< 0.005	< 0.005	< 0.005	0.041	0.054	0.0068	< 0.05	< 0.05
Copper	0.0201	0.0235	0.0337	BDL	--	--	--	--	0.012	--	--	--	--	--	< 0.005	0.0081	0.013	0.01	0.04	0.08	< 0.02	0.02
Iron	0.290	0.304	0.494	0.025	--	--	--	--	0.17	--	--	--	--	--	0.24	0.06	0.097	0.2	0.83	0.7	--	--
Lead	0.022	0.063	0.058	0.0028	--	--	--	--	0.0044	--	--	--	--	--	< 0.003	< 0.003	< 0.003	< 0.003	< 0.005	< 0.005	< 0.2	< 0.2
Manganese	0.099	0.078	0.133	0.062	0.070	0.13	0.098	0.082	0.017	0.038	0.16	0.064	0.099	0.083	0.057	0.06	0.072	0.13	0.36	--	--	--
Mercury	0.0002	0.0002	0.0003	BDL	--	--	--	--	BDL	--	--	--	--	--	< .0002	< .0002	< .0002	< .0002	< .0005	< .0005	< .0005	< .0005
Nickel	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	0.038	0.0064	--	--
Phenol	--	--	--	0.012	--	--	--	--	--	--	--	--	--	--	--	--	--	--	0.028	0.11	--	--
Selenium	0.0017	0.0023	0.0030	BDL	--	--	--	--	BDL	--	--	--	--	--	< 0.005	< .0001	< 0.001	< 0.001	< 0.005	< 0.005	< 0.005	< 0.005
Silver	0.0122	0.0281	0.0285	BDL	--	--	--	--	0.0006	--	--	--	--	--	0.0006	< .0001	< .0001	< .0002	< 0.01	0.02	< 0.01	0.09
Sodium	5.533	1.326	6.624	6.2	--	--	--	--	5.6	--	--	--	--	--	3.8	7.6	5.5	4.5	--	--	--	--
Toluene	--	--	--	43 µg/l	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Zinc	0.397	0.408	0.634	0.041	--	--	--	--	0.10	--	--	--	--	--	0.17	0.12	0.12	0.16	0.96	1.2	0.64	0.46
Extraction Method				SPLP	SPLP	SPLP	SPLP	SPLP	SPLP	SPLP	SPLP	SPLP	SPLP	SPLP	SPLP	SPLP	SPLP	SPLP	TCLP	TCLP	TCLP	TCLP

All Measurements mg/l Unless Otherwise Noted

* Sampled: 2-8-93

** Sampled: 2-1-93

Note: December 1996 testing also included analysis for the following parameters which were reported as Below Detection Level (BDL): 2-chlorophenol; 2,4-dichlorophenol; 2,4,6-trichlorophenol; Pentachlorophenol; 4-chloro-3-methylphenol; 2-nitrophenol; 4-nitrophenol; 2,4-dinitrophenol; 4,6-dinitro-2-methylphenol; 2,4-dimethylphenol; Bromodichloromethane; Bromoform; Carbon Tetrachloride; Chlorobenzene; Chlorodibromomethane; Chloroform; 1,1-dichloroethane; 1,2-dichloroethane; 1,1-dichloroethene; cis-1,2-dichloroethene; trans-1,2-dichloroethene; 1,2-dichloropropane; 1,3-dichloropropane; Methylene Chloride; 1,1,2,2-Tetrachloroethane; Tetrachloroethene; 1,1,1-trichloroethane; 1,1,2-trichloroethane; Trichloroethene; Benzene; Ethyl Benzene; Styrene; Xylene Isomers.

TABLE 2 (continued)
MANISTIQUE PAPERS, INC.
WASTE CHARACTERIZATION TESTING OF RESIDUALS (1990 - 1996)

TOTAL COMPOSITIONAL ANALYSIS																				
Residuals--Total	Mean	Standard Deviation	95% UCL	12-31-96	8-12/8-15 Composite	8-15-96	8-14-96	8-13-96	8-12-96	8-5/8-8 Composite	8-8-96	8-7-96	8-6-96	8-5-96	8-1/8-4 Composite	8-4-96	8-3-96	8-2-96	8-1-96	7-19/7-22 Composite
Aluminum	4460	465	5280	1500	4200	5500	7700	6300	2800	3600	3500	3400	4100	4400	4300	9000	4400	4400	4300	3100
Arsenic	0.215	0.287	0.408	BDL	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Barium	33.1	11.4	40.8	26	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Cadmium	0.338	0.583	0.699	0.065	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Chromium	6.62	2.90	8.42	2.8	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Copper	90.1	27.2	107.0	89	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Ethyl Benzene	12.3 µg/kg	16.3 µg/kg	25.7 µg/kg	44 µg/kg	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Iron	1265.6	2564.5	2855.5	350	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Lead	3.90	3.88	6.31	0.83	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Manganese	28	6.4	39	24	26	24	27	23	21	28	30	31	29	22	39	27	32	36	46	25
Mercury	0.097	0.127	0.182	BDL	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Nickel	4.88	3.29	7.29	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Selenium	0.205	0.302	0.408	BDL	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Silver	0.494	0.557	0.839	BDL	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Sodium	--	--	--	180	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Styrene	13 µg/kg	18.6 µg/kg	30.7µg/kg	45 µg/kg	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
(Total) Sulfide	13.25	12.04	23.16	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
1, 1, 2, 2 Tetrachloroethane	13.9 µg/kg	24.0 µg/kg	31.5 µg/kg	67 µg/kg	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Toluene	161.9 µg/kg	235.4 µg/kg	334.7 µg/kg	690 µg/kg	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Xylene Isomers	30.1 µg/kg	57.7 µg/kg	72.5 µg/kg	160 µg/kg	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Zinc	77.0	34.0	98.1	110	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

All Measurements mg/kg Unless Otherwise Noted

* Listed as Xylene--Xylene isomers

Note: December 1996 testing also included analysis for the following parameters which were reported as Below Detection Level (BDL): Phenol; 2-chlorophenol; 2,4-dichlorophenol; 2,4,6-trichlorophenol; Pentachlorophenol; 4-chloro-3-methylphenol; 2-nitrophenol; 4-nitrophenol; 2,4-dinitrophenol; 4,6-dinitro-2-methylphenol; 2,4-dimethylphenol; Bromodichloromethane; Bromoform; Carbon Tetrachloride; Chlorobenzene; Chlorodibromomethane; Chloroform; 1,1-dichloroethane; 1,2-dichloroethane; 1,1-dichloroethene; cis-1,2-dichloroethene; trans-1,2-dichloroethene; 1,2-dichloropropane; 1,3-dichloropropane; Methylene Chloride; Tetrachloroethene; 1,1,1-trichloroethane; 1,1,2-trichloroethane; Trichloroethene; Benzene.

TABLE 2 (continued)
MANISTIQUE PAPERS, INC.
WASTE CHARACTERIZATION TESTING OF RESIDUALS
1990 - 1996

TOTAL COMPOSITIONAL ANALYSIS																			
Residuals--Total	7-22-96	7-21-96	7-20-96	7-19-96	8-3-95	8-24-93	8-20-93	9-16-93	9-21-93	9-27-93	5-20-92	5-18-92	5-14-92	5-6-92	10-2-91	9-3-91	11-2-90		
Aluminum	2200	2400	3300	3700	2900	3300	2300	5000	14,000	10,000	9800	13,000	3800	4000	3500	2800	--		
Arsenic	--	--	--	--	0.11	--	--	--	--	--	< 0.66	< 0.66	< 0.68	< 0.66	< 0.25	< 0.25	--		
Barium	--	--	--	--	26	--	--	--	--	--	34	24	28	25	51	51	--		
Cadmium	--	--	--	--	0.85	--	--	--	--	--	0.026	0.04	0.077	0.052	1.8	0.65	< 0.49		
Chromium	--	--	--	--	3.9	--	--	--	--	--	5.4	7.6	13	< 13	6.9	5.8	7.7		
Copper	--	--	--	--	120	--	--	--	--	--	26	96	110	99	97	100	74		
Ethyl Benzene	--	--	--	--	--	--	--	--	--	--	BDL	BDL	BDL	BDL	--	BDL	--		
Iron	--	--	--	--	360	--	--	--	--	--	490	8100	400	480	370	270	570		
Lead	--	--	--	--	1.0	--	--	--	--	--	4.9	7.0	< 0.7	< 0.7	12	< 10	< 7.4		
Manganese	22	23	23	27	29	22	34	17	32	34	17	38	15	18	26	23	--		
Mercury	--	--	--	--	BDL	--	--	--	--	--	< 0.25	< 0.25	< 0.25	< 0.25	< 0.25	< 0.25	--		
Nickel	--	--	--	--	--	--	--	--	--	--	3.1	2.4	5.9	< 1.3	8.0	10	4.1		
Selenium	--	--	--	--	BDL	--	--	--	--	--	< 0.66	< 0.66	< 0.69	< 0.66	< 0.25	< 0.25	--		
Silver	--	--	--	--	BDL	--	--	--	--	--	< 1.4	< 1.3	< 1.3	< 1.3	0.60	0.65	< 0.49		
Sodium	--	--	--	--	460	--	--	--	--	--	--	--	--	--	--	--	--		
Styrene	--	--	--	--	--	--	--	--	--	--	BDL	BDL	BDL	BDL	--	--	--		
(Total) Sulfide	--	--	--	--	--	--	--	--	--	--	30	15	24	8.7	1.2	0.61	--		
1, 1, 2, 2 Tetrachloroethane	--	--	--	--	--	--	--	--	--	--	BDL	BDL	BDL	BDL	BDL	BDL	--		
Toluene	--	--	--	--	--	--	--	--	--	--	120 µg/kg	49 µg/kg	55 µg/kg	120 µg/kg	31 µg/kg	68 µg/kg	--		
Xylene Isomers	--	--	--	--	--	--	--	--	--	--	BDL	BDL	BDL	11 µg/kg	*BDL	*20 µg/kg	--		
Zinc	--	--	--	--	67	--	--	--	--	--	91	36	110	53	130	47	49		

All Measurements mg/kg Unless Otherwise Noted

* Listed as Xylene--Xylene isomers

Note: December 1996 testing also included analysis for the following parameters which were reported as Below Detection Level (BDL): Phenol; 2-chlorophenol; 2,4-dichlorophenol; 2,4,6-trichlorophenol; Pentachlorophenol; 4-chloro-3-methylphenol; 2-nitrophenol; 4-nitrophenol; 2,4-dinitrophenol; 4,6-dinitro-2-methylphenol; 2,4-dimethylphenol; Bromodichloromethane; Bromoform; Carbon Tetrachloride; Chlorobenzene; Chlorodibromomethane; Chloroform; 1,1-dichloroethane; 1,2-dichloroethane; 1,1-dichloroethene; cis-1,2-dichloroethene; trans-1,2-dichloroethene; 1,2-dichloropropane; 1,3-dichloropropane; Methylene Chloride; Tetrachloroethene; 1,1,1-trichloroethane; 1,1,2-trichloroethane; Trichloroethene; Benzene.

TABLE 3

MANISTIQUE PAPERS, INC.
WASTE CHARACTERIZATION TESTING OF RESIDUALS & ASH (1987 TO 1993)

ASH LEACHATE (mg/l unless noted)								
	Sample Dates							
	2/14/93	2/7/93	1/31/93	1/25/93*	7/31/91	7/23/91	8/29/90**	7/27/87
Silver	.0028	<.0001	<.0001	<.0001	0.027	0.02	0.03	--
Aluminum	<0.05	.091	<0.05	1.7	--	--	--	1.8
Arsenic	<0.001	.0081	.0036	.054	<.005	<.005	<.005	--
Barium	0.21	0.19	0.27	.026	0.69	0.90	1.0	--
Cadmium	.0004	<.0001	<.0001	<.0001	<.0001	.0009	0.02	<0.01
Chromium	<.005	<.005	<.005	.023	<0.01	.006	<0.05	<.005
Copper	<.005	.0074	<.005	.0053	<0.02	0.03	0.03	<0.02
Iron	0.16	.098	.044	0.34	--	--	--	<0.05
Mercury	<.0002	<.0002	<.0002	<.0002	<.0005	<.0005	<.0005	--
Manganese	.021	.013	.026	.017	--	--	--	<0.02
Sodium	5.7	6.0	7.0	4.2	--	--	--	--
Lead	<0.003	.0081	<.003	<.003	<.005	<.005	<0.2	<.005
Radium 226	<0.6 pCi/l	1.0 ± 0.8 pCi/l	<0.6 pCi/l	<0.6 pCi/l	--	--	--	--
Radium 228	<1 pCi/l	3 ± 2 pCi/l	<1 pCi/l	<1 pCi/l	--	--	--	--
Selenium	<0.005	.0025	.0017	.0065	<.005	<.005	<.005	--
Zinc	0.07	.051	.050	<0.02	0.40	0.49	0.05	<0.02
SPLP	✓	✓	✓	✓				
TCLP					✓	✓	✓	
Phenols								<.005
TOC								<5.0
PCB's								<1.0 ug/l

* Sample was composite made by lab (WMESI) from portions d 1/18/93, 1/19/93, 1/20/93, and 1/21/93.

** Sample was tested for Base/Neutral and Acid Analysis and V s Analysis with all results being below detection limits.

TABLE 3 (continued)

<i>ASH SOLIDS (mg/kg unless noted)</i>						
	<i>Sample Dates</i>					
	<i>4/16/92</i>	<i>4/12/92</i>	<i>4/2/92</i>	<i>3/29/92</i>	<i>7/31/91</i>	<i>7/23/91</i>
Silver	<0.6	<0.5	<0.56	<0.58	0.64	<0.5
Arsenic	10	3.8	5.5	9.3	8.0	8.6
Barium	240	255	260	210	88	110
Chromium	6.6	7.6	<5.6	5.8	4.6	6.9
Copper	26	17	12	19	12	18
Mercury	<0.25	<0.25	<0.25	<0.25	0.25	<0.25
Lead	9.2	3.8	4.5	3.5	16	<10
Selenium	1.1	0.95	0.48	1.6	0.90	1.6
Zinc	17	9.4	9.0	9.4	11	15
Naphthalene	55 ug/kg	--	140 ug/kg	220 ug/kg	--	--
Phenanthrene	79 ug/kg	--	120 ug/kg	150 ug/kg	--	--
Cadmium	--	<.0062	0.028	0.035	<0.5	0.60
Chloroform	--	38 ug/kg	100 ug/kg	210 ug/kg	--	--
Gross Alpha	--	--	--	--	<3 pCi/l	6 ± 4 pCi/l
Radium 226	--	--	--	--	--	<1 pCi/l

TABLE 3 (continued)

MISCELLANEOUS SAMPLES (mg/l unless noted)

	<i>RMA Boring "G"</i> 1/14/87	<i>RMA Boring "J"</i> 1/14/87	<i>RMA Sample "K"</i> 1/16/87	<i>RMA Sample "L"</i> 1/15/87	<i>RMA Sample "M"</i> 1/19/87	<i>Press Residuals</i> 6/11/87
Oil and Grease	<1.0	<1.0	<1.0	<1.0	<1.0	7
Total Phenols	0.006	0.010	0.011	0.054	0.069	0.19
Aluminum	<0.25	<0.25	<0.25	<0.25	<0.25	<0.25
Cadmium	<0.01	<0.01	<0.01	<0.01	<0.01	<0.01
Chromium	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005
Copper	<0.02	0.029	0.029	<0.02	0.029	<0.02
Iron	0.15	0.099	0.32	<0.05	<0.05	<0.05
Lead	<0.005	0.019	0.0076	<0.005	<0.005	<0.005
Zinc	0.041	0.055	17	0.14	0.27	0.13
PCB's (ug/l)	<0.5	<0.5	<0.5	<0.5	<0.5	<0.1
COD						220
Manganese						0.056
TOC						60
Boring "G": 2'-5' Boring "J": Composite of 3 Borings Sample "K": Composite of 5 Borings Sample "L": Composite of 6 Borings Sample "M": Composite of 7 Borings						



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

APR 02 1997

REPLY TO THE ATTENTION OF:

Steve Nadeau, Esquire
Honigman Miller Schwartz and Cohn
2290 First National Building
Detroit, MI 48226-3583

Re: Manistique Papers, Inc. - March 11, 1997 Information Request

Dear Steve:

This letter is to acknowledge U.S. EPA's agreement to your request, on behalf of Manistique Papers, Inc. ("MPI"), to extend the deadline for MPI's response to our RCRA Section 3007 Information Request an additional 21 days from the date of the Company's receipt of the Information Request. My understanding is that the Information request was received on March 14, 1997. Therefore, the extended date for providing the response is May 5, 1997.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Deborah Garber".

Deborah Garber
Assistant Regional Counsel

cc: Diane Sharrow ✓



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

MAR 11 1987

DRE-8J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Leif Christensen
President and General Manager
Manistique Papers, Incorporated
453 South Mackinac Road
Manistique, Michigan 49854

RE: RCRA §3007 Information Request
Manistique Papers, Incorporated
RCRA I.D. No.: MID 981 192 628

Dear Mr. Christensen:

This letter and the enclosed document constitute a request for information by the United States Environmental Protection Agency (U.S. EPA), pursuant to U.S. EPA's authority under § 3007 of the Resource Conservation and Recovery Act, 42 U.S.C. § 6901 et seq., as amended (RCRA), and any regulations promulgated pursuant thereto. The information requested relates to the generation, storage, transportation, treatment, disposal, discharge and release of solid waste, hazardous waste and hazardous waste constituents by or from the referenced facility at the address listed above and in Schoolcraft County, Michigan.

Manistique papers, Incorporated (MPI) may, pursuant to Title 40 of the Code of Federal Regulations (40 CFR) 2.203(a), assert a business confidentiality claim covering all or part of the information requested by U.S. EPA in a manner described in 40 CFR 2.203(b). Information covered by such a claim will be disclosed by U.S. EPA only to the extent and by means of the procedures set forth in 40 CFR Part 2, Subpart B. MPI must make any request for confidentiality when it submits its response, since any information not so identified may be made available to the public without further notice. Such claims must be

PS Form 3800, April 1995

P 140 675 245

USPS
Receipt for Certified Mail
No Insurance Coverage Provided.
Do not use for International Mail (See re

Sent to
Mr. Leif Christensen
Street & Number
453 S. Macking Road
Post Office, State, & ZIP Code
Mainistigue, MI 49854

Postage	\$ 1.01
Certified Fee	1.10
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$ 2.11
Postmark or Date	



Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- 1. ☐ Addressee's Address
- 2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Mr. Leif Christensen
President and General Manager
Mainistigue Papers, Inc.
453 S. Macking R.D.
Mainistigue, MI 49854

4a. Article Number

P-140-675-245

4b. Service Type

- | | |
|---|---|
| <input type="checkbox"/> Registered | <input checked="" type="checkbox"/> Certified |
| <input type="checkbox"/> Express Mail | <input type="checkbox"/> Insured |
| <input type="checkbox"/> Return Receipt for Merchandise | <input type="checkbox"/> COD |

7. Date of Delivery

3-14-97

5. Received By: (Print Name)

Suzanne Quist

6. Signature: (Addressee or Agent)

X Suzanne Quist

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1994

Domestic Return Receipt

Thank you for using Return Receipt Service

accompanied by written substantiation of the claim by answering the following questions:

1. Which portions of the information do you claim are entitled to confidential treatment?
2. For how long is confidential treatment desired for this information?
3. What measures have you taken to guard against undesired closure of the information to others?
4. To what extent has the information been disclosed to others, and what precautions have been taken in connection with that disclosure?
5. Has the U.S. EPA or any other Federal agency made a pertinent confidentiality determination? If so, include a copy of such determination or reference to it if available.
6. Will disclosure of the information be likely to result in substantial harmful effects on your competitive position? If so, what would those harmful effects be and why should they be viewed as substantial? Explain the causal relationship between disclosure and the harmful effects.

The written statements submitted by MPI pursuant to this Information Request must be notarized and submitted under an authorized signature certifying that all statements contained therein are true and accurate to the best of the signatory's knowledge and belief. In addition, any documents submitted to U.S. EPA pursuant to this Information Request should be certified as true and authentic to the best of the signatory's knowledge or belief.

Should the signatory find, at any time after submittal of the requested information, that any portion of the submitted information is false, misleading or incomplete, the signatory should so notify U.S. EPA. If any of the submitted information certified as true should be found to be untrue or misleading, the signatory can and may be prosecuted pursuant to 18 U.S.C. § 1001.


U.S. EPA has the authority to use the information requested herein in an administrative, civil, or criminal action. This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. § 3501, et seq.

MPI's response to the attached Information Request must be provided within thirty (30), days of the certified receipt date of this letter, notwithstanding its possible characterization as confidential business information (CBI). If an extension of time is necessary to complete the response, the request for an extension must be made in writing to Ms. Diane Sharrow, at the address listed below.

Failure to respond to a request for information under § 3007 of RCRA, or adequately justify such failure to respond, can result in enforcement action by the U.S. EPA pursuant to § 3008 of RCRA, with penalties of up to \$25,000 per day of violation.

Please address MPI's response to U.S. EPA's Information Request to Ms. Sharrow, Enforcement and Compliance Assurance Branch (DRE-8J), U.S. EPA, 77 W. Jackson Blvd., Chicago, IL, 60604-3590. If you have any questions regarding this letter, please contact Ms. Sharrow of the RCRA Enforcement Branch at (312) 886-6199, or Ms. Deborah Garber of the Office of Regional Counsel at (312) 886-6610.

Sincerely yours,



Paul Little, Chief
Michigan Wisconsin Section
Enforcement and Compliance Assurance Branch
Waste, Pesticides and Toxics Division

Enclosure

cc: J. Sygo, MDNR-WMD-Lansing
R. Schmeling, MDNR-Marquette

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

MANISTIQUE PAPERS, INCORPORATED)	Information Request Pursuant
453 SOUTH MACKINAC ROAD)	to Section 3007 of the
MANISTIQUE, MICHIGAN)	Resource Conservation and
RCRA EPA ID NO.: MID981192628)	Recovery Act as amended,
)	42 U.S.C. § 6927

This Information Request is a request by the United States Environmental Protection Agency (U.S. EPA) issued pursuant to Section (§) 3007 of the Resource Conservation and Recovery Act, as amended, 42 U.S.C. § 6927. The issuance of this Information Request serves to require Manistique Papers, Incorporated (MPI), to submit information relating to MPI's generation, treatment, transportation, storage, disposal, discharge and release of solid waste, hazardous wastes and hazardous waste constituents at or from MPI, 453 South Mackinac Road, Manistique, Michigan, and in Schoolcraft County, Michigan.

I. INSTRUCTIONS

This Information Request is directed to MPI, its officers, directors, employees, contractors, consultants, and its subsidiaries, divisions, facilities and their officers, directors, employees, contractors and consultants. This Information Request pertains to any and all information MPI, and its corporate predecessors, may have regarding the

generation, treatment, transportation, storage, disposal or release of solid and hazardous waste at or from the MPI operations located at 453 South Mackinac, Manistique, Michigan, and in Schoolcraft County, Michigan.

If any information called for herein is not available or not accessible in the full detail requested, the Information Request shall be deemed to call for providing the best information available. The Information Request also requires the production of all information called for in as detailed a manner as possible based upon such information as is available or accessible.

The information must be provided notwithstanding its possible characterization as confidential business information or trade secrets. MPI is entitled to assert a claim of confidentiality pursuant to Title 40 of the Code of Federal Regulations (40 CFR), 2.203(b) for any information produced that, if disclosed to persons other than officers, employees, or duly authorized representatives of the United States, would divulge information entitled to protection as a trade secret. Any information which the Administrator of U.S. EPA determines to constitute methods, processes or other business information entitled to protection as a trade secret will be maintained as confidential pursuant to the procedures set forth in 40 CFR Part 2. MPI must make its request for confidential treatment when it provides such information since any information not so identified will not be accorded this

protection by U.S. EPA.

The written statements and documents submitted pursuant to this Information Request must be notarized and returned under an authorized signature certifying that all statements contained therein are true and accurate to the best of the signatory's knowledge and belief. Should the signatory find at any time after submittal of the requested information that any portion of this submittal certified as true is false or misleading, the signatory should so notify U.S. EPA immediately. If any information submitted under this information request is found to be untrue or misleading, the signatory can be prosecuted under 18 U.S.C. § 1001. U.S. EPA has the authority to use the information requested herein in an administrative, civil, or criminal action. This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. § 3501 et seq.

The information requested herein must be provided, within thirty (30) days following the certified receipt of this Information Request, to the U.S. EPA, Region 5, Enforcement and Compliance Assurance Branch (DRE-8J), 77 West Jackson Blvd., Chicago, Illinois 60604-3590, Attention: Ms. Diane Sharrow.

II. DEFINITIONS

1. "Authorized representative" means the person responsible for overall operation of a facility or an operational unit, e.g., plant manager, superintendent, or person of equivalent responsibility. (See R 299.9101 or 40 CFR 260.10.)
2. "Discharge" or "hazardous waste discharge" means the accidental or intentional spilling, leaking, pumping, pouring, emitting, emptying, or dumping of hazardous waste into or on any land or water. (See R 299.9102 or 40 CFR 260.10.)
3. "Disposal" means the discharge, deposit, injection, dumping, spilling, leaking or placing of any solid waste or hazardous waste into or on any land or water so that such solid waste or hazardous waste or any hazardous constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including groundwater. (See R 299.9102 or 40 CFR 260.10.)
4. "Disposal facility" means a facility or part of a facility at which hazardous waste is intentionally placed into or on any land or water, and at which waste will remain after closure. (See R 299.9102 and 40 CFR 260.10.)
5. "Document" means all written, typewritten, drawn or printed materials including, but not limited to, correspondence, letters, agreements, contracts, drawings, memoranda, blueprints, manifests, logs, invoices, and photographs, and all information recorded on electronic or magnetic media.
6. "Facility" means all contiguous land and structures, other appurtenances and improvements on the land used for treating, storing or disposing of hazardous waste. A facility may consist of several treatment, storage, or disposal operational units (e.g., one or more landfills, surface impoundments or combinations of them). (See R 299.9103 or 40 CFR 260.10.)
7. "Hazardous waste" means a hazardous waste as defined in R 299.9203 or 40 CFR 261.3.
8. "Hazardous constituent" means a chemical compound which is listed in Part 2 of the Act 64 Administrative Rules or 40 CFR Part 261, Appendix VIII.
9. "Landfill" means a disposal facility or part of a facility where hazardous waste is placed in or on land and which is not a pile, a land treatment, a surface impoundment, an underground

injection well, a salt dome formation, a salt bed formation, an underground mine, or a cave. (See R 299.9105 or 40 CFR 260.10.)

10. "Land treatment facility" means a facility or part of a facility at which hazardous waste is applied onto or incorporated into the soil surface. (See R 299.9105 or 40 CFR 260.10.)

11. "Management" or "hazardous waste management" means the systematic control of the collection, source separation, storage, transportation, processing, treatment, recovery and disposal of hazardous waste. (See R 299.9105 or 40 CFR 260.10.)

12. "On-site" means the same or geographically contiguous property which may be divided by public or private right-of-way, provided the entrance and exit between the properties is at a cross-roads intersection, and access is by crossing as opposed to going along, the right-of-way. Noncontiguous properties owned by the same person but connected by a right-of-way which that person controls and to which the public does not have access is also considered on-site property. (See R 299.9106 or 40 CFR 260.10.)

13. "Operator" means the person responsible for the overall operation of the facility. (See R 299.9106 or 40 CFR 260.10.)

14. "Owner" means the person who owns a facility or part of a facility. (See R 299.9106 or 40 CFR 260.10.)

15. "Person" means an individual, trust, firm, joint stock company, Federal Agency, corporation (including a government corporation), partnership, association, State, municipality, commission, political subdivision of a State, or any interstate body. (See R 299.9106 or 40 CFR 260.10.)

16. "Personnel" or "facility personnel" means all persons who work, at, or oversee the operations of, a hazardous waste facility, and whose actions or failure to act may result in noncompliance. (See R 299.9106 and 40 CFR 260.10.)

17. "Pile" means any non-containerized accumulation of solid, non-flowing, hazardous waste that is used for treatment or storage. (See R 299.9106 or 40 CFR 260.10.)

18. "Representative sample" means a sample of a universe or whole which can be expected to exhibit the average properties of the universe or whole. (See R 299.9107 or 40 CFR 260.10.)

19. "RCRA" means the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended, 42 U.S.C. section 6901 et seq. (See Act No. 64 of the Public

Acts of 1979, as amended, being § 299.501 et seq. of the Michigan Compiled Laws.)

20. "Sludge" means any solid, semi-solid, or liquid waste generated from a municipal, commercial, or industrial solid treatment plant, water supply treatment plant, or air pollution control facility exclusive of the treated effluent from a solid treatment plant. (See R 299.9107 or 40 CFR 260.10.)

21. "Solid waste" means any garbage, refuse, sludge from a waste treatment plant, or air pollution control facility and other discarded material including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining and agricultural operations, and from community activities, but does not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under Section 402 of the **Federal Water Pollution Control Act**, as amended, or source, special nuclear, or byproduct material as defined by the Atomic Energy Act, as amended. (See 42 U.S.C. § 6927). **NOTE: Discharge of leachate from waste management units to groundwater is not excluded from the definition of solid waste in RCRA §1004(27).**

22. "Storage" means the holding of hazardous waste for a temporary period, at the end of which the hazardous waste is treated, disposed of or stored elsewhere. (See R 299.9107 or 40 CFR 260.10.)

23. "Sump" means any pit or reservoir that meets the definition of tank and those troughs/trenches connected to it that serve to collect hazardous waste for transport to hazardous waste storage, treatment, or disposal facilities. (See R 299.9107 or 40 CFR 260.10.)

24. "Surface impoundment" or "impoundment" means a facility or part of a facility which is a natural topographic depression, man-made excavation, or diked area formed primarily of earthen materials (although it may be lined with man-made materials) which is designed to hold an accumulation of liquid wastes or wastes containing free liquids, and which is not an injection well. Examples of surface impoundments are holding, storage, settling, and aeration pits, ponds, and lagoons. (See R 299. 9107 or 40 CFR 260.10.)

25. "Tank" means a stationary device, designed to contain an accumulation of hazardous waste which is constructed primarily of

non-earthen materials which provide structural support. (See R 299.9108 or 40 CFR 260.10.)

26. "Transportation" means the movement of hazardous waste by air, rail, highway or water. (See R 299.9108 or 40 CFR 260.10.)

27. "Treatment" means any method, technique or process, including neutralization, designed to change the physical, chemical or biological character or composition of any hazardous waste so as to neutralize such waste, or so as to recover energy or material resources from the waste or so as to render such waste nonhazardous or less hazardous; safer to transport, store or dispose of; or amenable for recovery, amenable for storage or reduced in volume. (See R 299.9108 or 40 CFR 260.10.)

28. "Underground tank" means a device meeting the definition of tank whose entire surface area is totally below the surface of and covered by the ground. (See R 299.9109 or 40 CFR 260.10.)

29. "Underground storage tank" means any one or combination of tanks (including underground pipes connected thereto) that is used to contain an accumulation of regulated substances, and the volume of which (including the volume of underground pipes connected thereto) is 10 percent or more beneath the surface of the ground. (See 40 CFR 280.12.)

30. "Wetland" is defined as those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. (See 1987 United States Army Corps of Engineers Wetlands Delineation Manual.)

III. REQUEST FOR ANSWERS TO QUESTIONS AND THE PRODUCTION OF DOCUMENTS

1. Did MPI generate solid waste after November 8, 1980?
2. Has MPI generated a solid, liquid, semi-solid or contained gaseous material since November 8, 1980?
3. Was any of the material identified by MPI in Item 2, discarded, or had it served its intended purpose, or was it a manufacturing or mining byproduct?
4. Provide a list of the material identified by MPI in Item 3.

5. For each distinct waste or waste stream identified by MPI in response to Item 4, address the following:

- a. Was the waste generated by MPI on a regular, an intermittent or a one-time basis?
- b. Where was the waste physically generated?
- c. Was the waste generated by MPI stored prior to disposal?
- d. Was the MPI generated waste mixed with any other waste prior, during or after storage and disposal?
- e. Where was the waste stored or treated prior to transport or disposal?, and
- f. Who transported the waste for disposal?

6. Was any of the material listed in Item 4 by MPI excluded under R 299.204 or 40 CFR 261.4(a) because it was domestic sewage, a Clean Water Act point source discharge, an irrigation return flow, an Atomic Energy Commission special nuclear or byproduct material, or an in-situ mining waste?

7. Provide a list of the material identified by MPI in Item 6 as excluded under R 299.204 or 40 CFR 261.4(a).

8. Provide any prepared documents that analyze or describe any MPI material excluded under R 299.204 or 40 CFR 261.4(a) as a Clean Water Act point source discharge, or any prepared documents that determine or conclude that any material point source discharged is excluded under R 299.204 or 40 CFR 261.4(a).

9. Provide a list of the material generated by MPI since November 8, 1980, that is a RCRA solid waste regardless of whether it was discarded, used, reused, recycled, reclaimed, or stored or accumulated for the purposes of discarding, using, reusing, recycling or reclaiming.

10. Was any solid waste generated by MPI placed into a wetland?

11. Has MPI ever applied for a Section 404 permit from the Michigan Department of Natural Resources, the Michigan Department of Environmental Quality, or the United States Army Corps of

Engineers for the Residuals Management Area (RMA)¹?

12. Has MPI ever received a Section 404 permit from the Michigan Department of Natural Resources, the Michigan Department of Environmental Quality, or the United States Army Corps of Engineers for the RMA?

13. Is any of the material identified by MPI in Item 9 excluded from regulation under R 299.204 or 40 CFR 261.4(b)?

14. Provide a list of the material generated by MPI since November 18, 1980, which is excluded under R 299.204 or 40 CFR 261.4(b).

15. What is MPI's program for establishing the characteristics of both solid and hazardous waste at MPI in accordance with R 299.302 or 40 CFR 262.11?

16. Does the program described by MPI in response to Item 15 include any of the following, and if so, please describe any variations in the program for establishing the characteristics of the waste for each specific waste:

- a. coal ash
- b. leachate
- c. sludge
- d. flyash
- e. filter cake
- f. contents of drums
- g. contents of containers, and
- h. any other solid waste.

17. How has the program described in response to Item 15 changed, or been altered since November 1980, with respect to the following:

- a. system changes?
- b. process changes?
- c. plant upsets?
- d. shutdown of the green wood pulp mill in 1984?

1 The RMA may also be known variously as the RMA, PERM, residuals area, sludge dump, or dump. The RMA may generally be described as the E ½ of the SW 1/4 of Section 36, T42N R16W of Hiawatha Township in Schoolcraft County, and is located approximately 1 mile east of M-94 and 1.5 miles north of MPI with access off Frankovitch Road.

- e. sludges from ponds, settling ponds, basins, settling basins, slips, lagoons, slip lagoons, piles, impoundments or surface impoundments?
 - f. spills?
 - g. leaks?
 - h. changes in specialty paper production?
 - I. construction of the wastewater treatment plant, the addition of secondary treatment, and modifications to the wastewater treatment plant?
 - j. pump maintenance and failures?
 - k. sump maintenance and failures?
 - l. changes in chemicals used to remove paper contaminants?
 - m. sewer line maintenance and breaks?
 - n. equipment maintenance and oil leaks?
 - o. underground tank maintenance and leaks?
 - p. underground storage tank maintenance and leaks?
 - q. reduction in the number of NPDES permitted outfalls?, and,
 - r. Changes in raw materials, including but not limited to, additives and recycled paper sources?
18. On October 15, 1985, a leaking PCB transformer was found at MPI (See TSCA-V-C-536 Consent Decree). Where was the waste from cleanup/remediation of the MPI PCB transformer leak disposed?
19. How long has MPI owned the RMA?
20. How long has MPI operated the RMA?
21. Has the areal extent of the RMA been extended by MPI since 1976?
22. Was creep (movement of the waste material due to gravity, weight of overlying materials, etc.) accounted for by MPI in the response to Item 21?
23. Provide copies of any documents MPI may possess, including photography and aerial photography, that pertains to the responses to Items 21 and 22.
24. Were access roads, offsite roads and on-site haul roads constructed primarily of sludge and ash material that immediately surround the RMA accounted for in the responses to Items 21 and 22?
25. Did MPI ever apply for any permits to construct, expand or operate the RMA?

26. If the response to Item 25 is yes, list the permits applied for, and the entity to which the application(s) were sent (including, but not limited to any application to the local health department, Corps of Engineers, and the 1978 Act 641 application submitted to Michigan DNR).

27. Describe MPI's past and current security at the RMA to prevent disposal of non-MPI waste at the RMA.

28. Describe any incidents of non-MPI waste being managed, stored, treated or disposed at the RMA.

29. Were drums, barrels or other containers ever stored or disposed at the RMA? If so, please indicate when and how it was determined whether those drums, barrels or containers contained solid or hazardous waste?

30. Identify the person(s) responsible for operation and maintenance of the RMA since 1980.

31. Indicate whether the following persons were ever employed, or continue to be employed by MPI, and in what position: Nick Frankovitch, Jan Reque, Robert Bonish, Nick Beaudre, Grant Taylor, Dave Blahnik, John Garvin, Richard Aldrich, Darryl Carlson, John Johnson, Lauren Edwards, Bob Taylor, Eric Bourdeau, Tom Arnold, Jason Panek, James Cook and Henry Swanson.

32. Has any solid waste generated by MPI been disposed of in any other location in Schoolcraft County since 1980?

33. If the answer to Item 32 is yes, list the locations of disposal.

34. Provide copies of sampling and analysis data for solid waste generated by MPI since 1980, including how the waste was sampled (representativeness), the number of samples, and the quality control and assurance provided by the persons performing the sampling and the analysis.

35. List the chemical constituents of any waste stream identified in response to Item 3, if the chemical analysis requested in Item 34 is not available for that waste stream.

36. Is the RMA an engineered unit?

37. If the response to Item 36 is yes, provide any maps, locational drawings, blueprints, etc., related to design, construction and maintenance of the unit.

38. Provide the following notarized certification by a responsible company officer:

I certify under penalty of law that I have personally examined and am familiar with the information submitted in responding to this Information Request for production of documents. Based on my review of all relevant documents and inquiry of those individuals immediately responsible for providing all relevant information and documents, I believe that the information submitted is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

Issued this 11th day of March, 1997.

Paul Little

Paul Little, Chief
Michigan Wisconsin Section
Enforcement and Compliance Assurance Branch
Waste, Pesticides and Toxics Division
United States Environmental Protection Agency
Region 5

95 FEB -1 PM 3:20

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

CLERK U.S. DIST. COURT
EAST OF MICH.

BY

COPY

DALE K PAPE SR.

Plaintiff

v.

MANISTIQUE PAPERS INC.

Defendant

COMPLAINT

Case 2:95-cv-35

David W. McKeague
U.S. District Judge

JURISDICTION & VENUE

1. This is a citizens suit brought against a private party defendant pursuant to section 7002 of the federal Resource Conservation Recovery Act of 1976, as ("RCRA"), 42 U.S.C. ss 6972, for violations of a permit, standard, regulation, condition, requirement, prohibition or order which has become effective under RCRA .

2. This action arises under the laws of the United States and is brought in U.S. District Court pursuant to 28 U.S.C. section 1331.

3. This Court has jurisdiction over the subject matter of this action pursuant to section 7002 (a) (1) of RCRA (ACT) as amended

("RCRA"), 42 U.S.C., ss 6972 (b) (1).

4. Plaintiff has complied with notice requirements set forth at 42 U.S.C. ss 6972 (b) (1).

5. This Action is also brought against private party defendant for failure to follow rules governing licensing, generation, containment, storage, handling, record keeping, reporting and labeling of hazardous waste in violation of the Michigan Hazardous Waste Management Act ("HWMA"); MCL 299.501 et. seq. MSA 13.30 (1) and for the discharge of hazardous chemical substances into the soil and ground waters of the State of Michigan in violation of the Michigan Environmental Protection Act ("EP Act"), MCL 691.1201 et. seq. MSA 14528(201) et. seq.

6. In addition, this action is brought against the private party defendant for the unlawful discharge of hazardous chemical substances into the soil and groundwater of the State of Michigan, which constitutes a public nuisance under section 6(4) of the Michigan Water Resources Commission Act, MCL 323.6(4): MSA 3.526(4) ("WRCA") and which is a nuisance per se under the common law of the State of Michigan, and which constitutes a public and private nuisance under Michigan common law.

7. Venue is properly laid in this District under 42 U.S.C. ss 6972 (a) (2), This action may be brought in the Western District of Michigan, Northern Division under 28 U.S.C. ss 1391, the

defendant corporation resides in that District.

PARTIES

8. Plaintiff, Dale K Pape Sr. Lives in Wallace, Michigan, as a resident of the State of Michigan the plaintiff has a deep interest in the aesthetic, conservational and recreational values of the Great Lakes and Inland Streams and Lakes of the State of Michigan, these values have been an important ingredient of the plaintiffs enjoyment of this area.

9. Pollutant discharges entering soil, wetlands, surface and ground waters and into the waters of the Indian River, Manistique River and Lake Michigan have had and continue to have adverse effects on river water, lake water, wetlands, aquatic life, water fowl and wetland nursery habitat, which interfere with and disturb plaintiff's use and enjoyment of Lake Michigan and its environs, and injures plaintiff's interest in the aesthetic, conservational and recreational values of the area.

10. The defendant discharges pollutants into soil, wetlands, surface and ground waters and into the waters of the Indian River, as alleged below, which causes or contributes to the pollution that interferes with the plaintiff's use and enjoyment of Lake Michigan and which injures his aesthetic and environmental interest and well being.

11. A decision by this court granting the remedial and injunctive relief sought by plaintiff in this complaint will help redress the harm caused to the plaintiff by defendant's actions enjoin further pollutant discharges by the defendant into the Indian river and it's Environs in violation of federal and Michigan laws and regulations and by requiring remedial action to comply with those laws and regulations.

DEFENDANT

12. Defendant Manistique Paper Inc. is a Corporation organized under the laws of the State of Michigan and has been producing paper by method of deinking since 1967, with its production facilities located in the city of Manistique, Michigan.

13. The defendants dump is located in Schoolcraft County, Michigan, code: 77-T42N-R16W-36 Manistique, Michigan, this dump is unpermitted and unlined therefore allowing leaching.

STATEMENT OF THE CASE

14. This case concerns Lake Michigan and its Environs. The Indian River that is less than 1,200 ft from the Manistique dump site, which empties into the Manistique River, then flows into Lake Michigan.

15. Manistique Paper mill utilize various raw materials, additives and chemical compounds in the manufacture of paper products, these

mills produce solid and liquid waste streams containing pollutants that exceed the maximum limits allowed under federal and state laws and which are transported, disposed of or stored in violation of such laws and are released in violation of such laws into the soil, wetlands, surface and ground waters of the Indian River.

16. The plaintiff brings the claims for relief under the citizen suit provisions of RCRA, 42 U.S.C. ss6972, alleging the violation of standards, regulations, conditions, requirements and prohibitions or orders which have become effective to RCRA.

17. Plaintiff seeks injunctive relief, as well as response costs and attorney's fees, for the purpose of barring and remediating the effects of (1) the transportation and storage and disposal of hazardous waste without required permits; (2) the release or threaten release of a hazardous substance into the environment; (3) the exceediance of toxic effluent standards, pretreatment standards and limitations for point sources; (4) the violation of permit conditions and requirements.

18. No civil or criminal action is being diligently prosecuted in the courts of the United States or the State of Michigan by the President of the United States, the Administrator of the EPA, or the State of Michigan under RCRA, CERCLA, or the CWA to require compliance by Manistique Paper with any standard, regulation, condition, requirement, or order under any such matter.

STATUTORY BACKGROUND

19. The Michigan Hazardous Waste Management Act, MCL ss 299.501 et. seq. (MSA ss 13.30 (1) et. seq.), and rules promulgated thereunder, impose standards and rules applicable to operators of a facility used for disposal of hazardous waste ("facility").

20. The Michigan Hazardous Waste Management Act and rule 299.9619 imposes requirements and rules applicable to operators of a facility that use landfills to dispose hazardous waste. Rule R 299.9619 specifically adopts by reference 40 CFR Part 264, subpart N, and requires, intra alia, operators of facility to establish and maintain records; install, use and maintain monitoring equipment; sample and test ground water; and report on a regular basis to the permit-issuing agency regarding the presence, quantity and concentration of certain pollutants.

21. The Michigan Solid Waste management Act and Rule R199.4134 adopts by reference the regulations set forth in the provisions of 40 CFR ss 257, appendix 1. 40 CFR ss 257.3-4 provides that a facility shall not contaminate a underground drinking water source beyond the boundary of the facility.

22. The Michigan Environmental Protection Act ("MEPA"), MCL ss 691.10201 et. seq. (MSA ss 14.528(201) et. seq.) prohibits any person from engaging in conduct which has or is likely to pollute, impair or destroy the air, water or other natural resources of the

State of Michigan or the public trust therein.

23. Section 405 of RCRA, 42 U.S.C. ss 6945 and title 40 C.F.R. ss 257.3-4 prohibit the introduction into an underground drinking water source beyond a facility's solid waste boundary, a substance that would cause the concentration of that substance to exceed certain maximum contaminant levels, or increase the concentration of that substance where existing concentration exceeds allowable contaminant levels.

GENERAL ALLEGATIONS

24. Manistique Paper Inc. (MPI) operates a dump in Manistique Michigan, MPI is a wholly owned company located in Montreal Canada (Kruger International).

25. MPI dump is a unpermitted facility, neither the State of Michigan nor the USEPA has allowed this dump to continue its on going dumping practice.

26. The receipt of solid and hazardous waste for treatment or storage or disposal renders the landfill as a "open dump" under RCRA ss 6944-45.

27 The Michigan Department of Natural Resources has listed this site on Michigan 307 list, an yet dumping still is active as of this date.

28. MPI operation of a dump in manistique, Michigan has introduced into an underground drinking source beyond the facility's boundary a substance causing the concentration that substance to exceed the allowable levels.

29. The hazardous waste accepted by MPI as the operator consist of waste either listed as hazardous waste under part 2 of the Michigan Hazardous Waste Management Rules, or exhibiting characteristics regulated under Michigan Hazardous Management Act pursuant to Part 2 of the Michigan Hazardous Rules.

30. On information and belief plaintiff alleges that MPI has failed tom give notice of release or threaten releases in reportable quantities to the National Response Center.

31. Over the years MPI's operations have caused a series of environmental problems, usually constituting violations of government laws or regulations, which have become publicly known and which form a pattern of wrongful conduct continuing to this day.

FIRST CAUSE OF ACTION

(Violation RCRA)

32. Plaintiff realleges and incorporates by reference herein the allegations of the above paragraphs.

33. The Michigan Hazardous Waste Management Act requirements and rules that have been violated by the defendant MPI have been "incorporated by reference and codified as part of the hazardous waste program under Subtitle C of RCRA, 42 U.S.C. ss 6921 et. seq. "see 40 CFR ss272.1151 (a) (1).

34 Consequently, MPI failure to comply with the requirements and rules of the Michigan Hazardous Waste Management Act or rule promulgated thereunder and adopted by reference in the Federal RCRA program constituting a separate violation of RCRA.

35. These RCRA violations include violations of 40 C.F.R. parts 264 and 265 which have been incorporated by reference in the Michigan Hazardous Waste Management Rules See R 299.11003.

36. Defendant MPI is subject to assessment of civil penalties for its violations of RCRA pursuant to section 3008 (g) of RCRA, 42 U.S.C. ss 6928(g).

37. For the purpose of assessing the maximum penalty for which MPI may be liable, each instance of MPI'S violation of RCRA, as alleged above, constitutes a separate violation of RCRA for each day on which it has occurred or will occur after the filing of this complaint.

SECOND CAUSE OF ACTION

(Michigan Hazardous Waste Management Act)

38. Plaintiff reallege and incorporates by reference herein the allegations of the above paragraphs.

39. Defendant NPI failure to obtain an operating license and failure to comply with the requirements of the Michigan Hazardous Waste Management Act regarding the operation, as in the above paragraphs, are violations of the Michigan Hazardous Waste Management Act.

40. Defendant is subject to assessment of civil penalties for its violations of the Michigan Hazardous Waste Management Act pursuant to 13.30 (48) of the Michigan Hazardous Waste Management act.

41. For the purpose of assessing the maximum penalty for which the defendant's violation of the Michigan Hazardous Waste Management Act, as alleged above, constitutes a separate violation thereof for each day on which it has occurred or will occur after the filing of this complaint.

42. Pursuant to ss 13.30 (48) plaintiff is entitled to an award of costs of litigation, including reasonable attorneys and expert witness fees.

THIRD CAUSE OF ACTION

(Violation of Michigan Solid Waste Management Act and Rules:
Contamination of Ground Water)

43. Plaintiff reallege an incorporates by reference herein the allegations of the above paragraphs.

44. That MPI operated a solid waste facility under MCL ss 299.407, as the contamination at the facility is comprised of solid industrial, liquid industrial and sludge, or other solid waste.

45. The Michigan Solid Waste Management Rules, R299.4134, adopt by reference the regulations set forth in the provisions of 40 C.F.R. ss 257.3-4 and 40 C.F.R. ss 257 appendix 1.

46. 40 C.F.R. ss 257.3-4 provides that a facility shall not contaminate an underground water drinking water source beyond the boundary of a facility.

47. In violation of these provisions, the operator MPI is allowing leaching, leaking, discharging or other disposal of contamination into an underground water source beyond the boundaries of the facilities, substances that would cause the concentration of those substances to exceed permissible contaminant levels or increase the concentration of those substances where the existing concentration exceeds allowable limits. On information and belief, such substances include, but are not limited to, Phenols, Chloride,

Dioxin, PCP's, Benzene, Methyl Ethel Ketone, Lead , Copper, Arsenic and Sodium.. On information and belief, the water sources, or may be used, as drinking water source.

48. Defendant MPI is subject to assessment of civil penalties for its violations of Michigan Solid Waste Act pursuant to MCL section 299.433., for purpose of assessing the maximum penalty for which MPI may be liable, each instance of MPI'S non compliance constitutes a separate violation for each day on which it has occurred or will occur after the filing of this complaint.

FOURTH CAUSE OF ACTION

(Environmental Protection Act)

49. Plaintiff reallege and incorporates by reference herein the allegations of the above paragraphs.

50. MPI allowed unlawful disposal of hazardous waste at a dump at which time it assumed duties as owner and operator, Which constitutes conduct which has, or is likely to pollute, impair the water or other natural resources of the State of Michigan, or the public trust therein in violation of ss 14.528(202) of Michigan Environmental Protection Act, MCL ss 691.1201.

51. Pursuant to ss 14.528(203) of Michigan's Environmental Protection Act, MCL ss 691.1203, Plaintiff is entitled to the cost incurred in bringing this action.

FIFTH CAUSE OF ACTION

(RCRA)

52. Plaintiff reallege and incorporates by reference herein the allegations of the above paragraphs.

53. Defendants have violated Section 4005 of RCRA, 42 U.S.C. ss 6945 and Title 40 C.F.R. ss 257.3-4 by allowing the introduction into and underground drinking water source beyond its facility's solid waste boundary, a substance that would cause the concentration of that substance to exceed certain maximum contaminant levels, or increase the concentration of that substance where the existing concentration exceeds allowable contaminant levels.

54. Defendant MPI actions as described in this complaint constitute violations of the RCRA "open dumping" provisions of U.S.C/ ss 6945 (a) and the regulations promulgated thereunder, including violations of part 257 of 40 C.F.R.

RELIEF REQUESTED

55. Wherefore, plaintiff Dale K Pape, Sr. respectfully request this Court to grant the following relief;

A. Declare defendant MPI. to have violated and to be in violation

of the Michigan Hazardous Waste Management Act,

B. Order the defendant, to provide plaintiff with a copy of all reports and other documents that the defendant submits to the State of Michigan or the federal government when submitted to these authorities:

C. Order the defendant MPI to take such action as may be necessary to correct all violations of the State of Michigan Hazardous Waste Management act.

D. Order the defendant to pay civil penalties of \$25,000 per day of violation for each violation pursuant to Section 13.30 (48) of the Michigan Hazardous Waste Management Act.

E. Award plaintiff costs, including reasonable attorney, witness and consultant fees, as authorized by Section 13.30 (48) of the Michigan Hazardous Waste Management Act:

F. Declare the defendants to have violated the Michigan Solid Waste Management Act, MCL 299.401 et seq. and the rules promulgated thereunder:

G. Order MPI to pay civil penalties of \$10,000 per day of violation for each violation under Michigan Solid Waste Management Act and the rules promulgated thereunder pursuant to MCL section 299.433.

H. Declare the Defendant to have Violated and to be in violation

of requirements and rules incorporated by 40 C.F.R. section 722.1151 (a) (1) as part of RCRA subtitle C hazardous waste program:

I. Declare the defendant to have violated and to be in violation of RCRA regulations promulgated thereunder, including the open dumping provisions of ss 6944 and 6945 and part 257 of 40 C.F.R.:

J. Order the defendant to cease its violations of RCRA and take all action necessary to correct any RCRA violations;

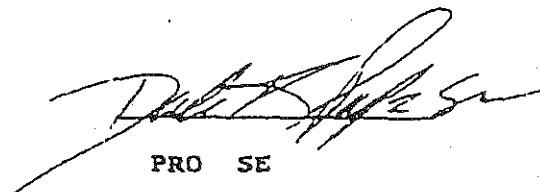
K. Order MPI to pay civil penalties of \$25,000 per day of violation for each violation pursuant to Section 3008 (g) of RCRA;

L. Impose whatever temporary and permanent equitable relief the Court determines is required to protect the water and the natural resources of the public trust therein from pollution, impairment or destruction, or impose upon defendant MPI, Whatever the Court deems Necessary to achieve such end; and

P. Award such other relief as this Court deems appropriate.

RESPECTFULLY SUBMITTED THIS 1 ST DAY FEBRUARY 1995

DALE K PAPE SR



PRO SE

Address: Dale K Pape Sr, 3320 hwy 577 Wallace Mi.49893 (906)863-7221

FILED

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CLERK, U.S. DIST. COURT
WESTERN DIST. OF MICH.

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

DALE K PAPE SR.

Plaintiff

vs.

COMPLAINT

Case No. 2:95-cv-73

MANISTIQUE PAPERS, INC.

Defendant

STATEMENT OF THE CASE

1. This is a citizen suit brought pursuant to Section 310 of the Comprehensive Environmental Response, Compensation and Liability Act of 1988 ("CERCLA"), 42 U.S.C. ss 9659 for defendants Violation of a standard, regulation, condition or requirement which has become effective pursuant to CERCLA; pursuant to Section 13.30(48) of the Michigan Hazardous Waste Management Act, MCL ss 299.548; pursuant to the Michigan Solid Waste Management Act, MCL ss299.401 et seq.; and pursuant to Section 14.528 (202) of the Michigan Environmental Protection Act, MCL ss 691.1202.

2. The violations of this complaint arise out of the operation of

a solid waste dump facility owned and operated by the defendant for the sole disposal of the defendants sludge from their paper making process, the defendants dump is located in Schoolcraft County, Michigan, Code; 77-T42N-R16W-36 Manistique, Michigan. The dump is less than 1,200 ft. from the Indian River which empties into the Manistique River which flows into Lake Michigan.

JURISDICTION AND VENUE

3. This Court has Jurisdiction over the subject Matter of The CERCLA CLAIM set forth in this complaint pursuant to Section 310 (a) (1) of CERCLA, 42 U.S.C. ss 9659 (a) (1).

4. This Case Arises generally under the laws of the United States and is brought in U.S. District Court pursuant to 28 U.S.C/ss 1331.

5. On August 25, 1993, Plaintiff gave notice of the violation and the plaintiffs intent to file suit to the Administrator of the United States Environmental Protection Agency ("EPA"), The Michigan Department of Natural Resources ("MDNR"), and the defendant is required of "CERCLA" 42 U.S.C. ss 9659 (d) (1).

6. More than 60 days have passed since the notice was served and neither EPA nor the MDNR has commenced and diligently prosecuted a court action to redress the violations.

7. This action is not barred by any prior administrative penalty under Section 109 (a) and (b) of CERCLA U.S.C. ss 9659 (a) and (b).

8. Venue is appropriate in the Western District of Michigan pursuant to Section 28 U.S.C. ss 1391, because the defendant corporation resides in this District and, pursuant to Section 310 (b) (1) of CERCLA, 42 U.S.C. ss 9659 (b) (1), because the claimed violation occurred in this District.

PARTIES

PLAINTIFF

9. The Plaintiff, Dale K Pape sr. ("Pape") is a resident of Wallace, Michigan, as a resident of the State of Michigan the plaintiff has a deep interest in the aesthetic, conservational and recreational values of the Great Lakes and Inland Streams and lakes of the State of Michigan, these values have been an important ingredient of the plaintiffs enjoyment of this area.

10. Pollutant discharges entering soil, wetlands, surface and ground water of the Indian River, Manistique River and Lake Michigan have had and continue to have a adverse effects on River water, lake water, wetlands, aquatic life , water fowl and wetland nursery habitat, which interfere with and disturb plaintiff's use an enjoyment of Lake Michigan and its environs, and injures plaintiff's interest in the aesthetic, conservational and recreational values to the area.

11. The defendant discharges pollutants into the soil, wetlands, surface and ground waters and into the waters of the Indian River, as alleged below, which causes or contributes to the pollution that interferes with the plaintiff's use and enjoyment of Lake Michigan and which injures his aesthetic and environmental interest and well being.

12. A decision by this Court granting the remedial and injunctive relief sought by plaintiff in this complaint will help redress the harm caused to the plaintiff by defendant's actions enjoin further pollutant discharges by the defendant into the Indian River and its Environs in Violation of federal and Michigan laws and regulations and by requiring remedial action to comply with those same laws and regulations.

DEFENDANT

13. Defendant Manistique Paper Inc. (MPI) is a wholly- owned subsidiary of Kruger Inc. of Montreal Canada, doing business in Manistique Michigan, under the laws of the state of Michigan and the United States.

14. The defendant MPI owns and operate a dump in Schoolcraft County Michigan, Manistique Michigan.

STATUTORY BACKGROUND

15. The Comprehensive Environmental Response, Compensation and Liability Act- Failure to Report Release of Hazardous Waste, to the National Response Center violations of Section 103 of CERCLA, 42 U.S.C. 9603.

16. The Michigan Hazardous Waste Management Act, MCL ss 299.501 et. seq. (MSA ss13.30(1) et. seq., and rules promulgated thereunder, impose standards and rules applicable to operators of a facility used for disposal of hazardous waste ("facility").

17, The Michigan Hazardous Waste Management Act and Rule 299.9619 specifically adopts by reference 40 CFR Part 264, subpart N, and requires, intra alia, operators of a facility to establish and maintain records; install, use and maintain monitoring equipment; sample and test ground water; and report on regular basis to the permit-issuing agency regarding the presence, and quantity and concentration of certain pollutants.

18.The Michigan Solid Waste Management Act and Rule R299.4134 adopts by reference the regulation set forth in the provisions of 40 C.F.R.ss 257, appendix 1. 40 C.F.R. ss 257.3-4 provides that a facility shall not contaminate and underground drinking water source beyond the boundary of a facility.

19. The Michigan Environmental Protection Act ("MEPA"), MCL ss 691.10201 et. seq. (MSA ss 14.528(201) et seq.) prohibits any

person from engaging in conduct which has or is likely to pollute, impair or destroy the air, water or other natural resources of the State of michigan or the Public trust therein.

GENERAL ALLEGATIONS

21. MPI former owner and founder Marshall Fields Company of Chicago Ill. sold recently to Kruger Inc. of Montreal Canada, which owns and operates a dump in Schoolcraft County Michigan, for disposal of Waste.

22. The MPI dumpsite has never been permitted by any permitting agency of the State of Michigan nor the Federal government.

23. At times MPI dumped Hazardous Waste at their dump facility which was not permitted.

24. The Hazardous Waste accepted by MPI as owner operator consist of waste either listed as hazardous under part 2 of the Michigan Hazardous Waste Management Rules, or exhibiting characteristics regulated under the Michigan Hazardous Waste Management Act pursuant to Part 2 of the Michigan Hazardous Rules.

25. As the owner operator of a facility, MPI is required to have an operating license for the treatment, storage or disposal of hazardous waste pursuant to Section 13.30(22) of the Michigan Hazardous Act and Rule 299.9502 of the Michigan Hazardous Waste

Rules.

26. MPI violation of the Michigan Hazardous Waste Management Act's operating license requirement has caused and will continue to cause environmental pollution to the area.

27. MPI has not properly established and maintained records, as required by the Michigan Hazardous Waste Management Act and applicable regulations in connection with the operation of the dump.

28. MPI violation of the Michigan Hazardous Waste Management Act requirement to report regarding the presence, quantity and concentration of pollutants is continuing or intermitted and each day of noncompliance constitutes a separate violation.

29. MPI operation of a open dump in Manistique, Michigan has introduced into an underground drinking water source beyond the boundary of the facility a substance causing the concentration of that substance to exceed the allowable levels.

30. On information and belief plaintiff alleges that hazardous substances have been released, or threaten to be released , from the past and present operation of a open dump by MPI into the environment by means of leaching into the ground water, surface soils and wetlands and by means of emptying, releasing or other disposal into the surface soils within the meaning of CERCLA.

31. On information and belief plaintiff alleges MPI has failed to give notice of releases or threaten releases in reportable quantities to the National Response Center.

32. Each day of such release or threaten release constitutes a separate violation of CERCLA and each failure to report constitutes a separate violation of CERCLA.

33. Over the years MPI operation of a open dump has caused a series of environmental problems, usually constituting violations of government laws or regulations, which have become publicly known and which form a pattern of wrongful conduct continuing to this day. This pattern as it relates to the operation of a open dump and insofar as it is disclosed in public records furnished to the plaintiff under the Federal Freedom of Information Act.

FIRST CAUSE OF ACTION

(Michigan Hazardous Waste Management Act)

34. Plaintiff reallege and incorporates by reference herein the allegations of the above paragraphs.

35. Defendants MPI failure to obtain an operating license and failure to comply with the requirements of the Michigan Hazardous Waste Management Act regarding the operation, as identified in the above paragraphs, are violations of the Michigan Hazardous Waste

Management Act.

36. Defendant is subject to assessment of civil penalties for its violations of the Michigan Hazardous Waste Management Act pursuant to ss 13.30(48) of the Michigan Hazardous Waste Management act.

37. For the purpose of assessing the maximum penalty for which the defendant may be liable, each instance of the defendant's violation alleged above, constitutes a separate violation thereof for each day on which it has occurred or will occur after the filing of this complaint.

38. Pursuant to ss 13.30 (48) plaintiff is entitled to an award of cost of litigation, including reasonable attorneys and expert witness fees.

SECOND CAUSE OF ACTION

(Violation of Michigan Solid Waste Management Act and Rules:
Contamination of Ground Water)

39. Plaintiff reallege and incorporates by reference herein the allegations of the above paragraphs.

40. That MPI operated a solid waste facility under MCL ss 299.407,, as the contamination at the facility is comprised of solid industrial, liquid industrial, and sludge or other waste.

41. The Michigan Solid Waste Management Rules, R299.4134, adopt by reference the regulations set forth in the provisions of 40 CFR ss 257.3-4 and 40 CFR ss 257 appendix 1.

42. 40 CFR ss 257.3-4 provides that a facility shall not contaminate an underground water drinking water source beyond the boundary of a facility.

43. In violation of these provisions, the operator MPI is allowing leaching, leaking, discharging or other disposal of contamination into an underground water source beyond the boundaries of the facilities, substances that would cause the concentration of those substances to exceed permissible contaminant levels or increase the concentration of those substances where the existing concentration exceeds allowable limits. On information and belief, such substances include, but are not limited to, Acetone, Phenols, Chloride, Dioxin, PCP's Benzene, Methyl Ethel Ketone, Lead, Copper, Arsenic, and Sodium. On information and belief, the water sources, or may be used, as drinking water source.

44. Defendant MPI is subject to assessment of civil penalties for its violations of Michigan Solid Waste Management Act pursuant to MCL section 299.433. for purpose of assessing the maximum penalty for which MPI may be liable, each instance of MPI's non compliance constitutes a separate violation for each day on which it has occurred or will occur after the filing of this complaint.

THIRD CAUSE OF ACTION

(Comprehensive Environmental Response, Compensation and Liability Act-Failure to Report Release of Hazardous Waste)

45. Plaintiff reallege and incorporates by reference herein the allegations of the above paragraphs.

46. Defendant MPI failure to report release of hazardous substances in the above paragraphs to the National Response Center are violations of Section 103 of CERCLA, 42 U.S.C. ss 9603.

47. Defendant MPI is subject to assessment of civil penalties for it's violation of Section 103 of CERCLA, 42 U.S.C. ss 9603, pursuant to Section 109 of CERCLA, 42 U.S.C. ss 9609.

48. For the purpose of assessing the maximum penalty for which the defendant may be liable, each instance of defendat's violation of the CERCLA, as alleged above, constitutes a separate violation of the CERCLA for each day on which it has occurred or will occur after the filing of this complaint.

49. Defendant MPI is subject to payment of all necessary response costs incurred by the plaintiff consistent with the National Contingency Plan pursuant to Section 107 of CERCLA, 42 U.S.C. ss 9607.

FOURTH CAUSE OF ACTION

(Environmental Protection Act)

50. Plaintiff reallege and incorporates by reference herein the allegations of the above paragraphs.

51. MPI allowed unlawful disposal of hazardous waste at a open dump at which time it was owner and operator, which constitutes conduct which has, or is likely to pollute, impair the air, water or other natural resources of the State of Michigan, or the Public trust therein in violation of ss 14.528(202) of Michigan's Environmental Protection Act, MCL ss 691.1201.

52. Pursuant to ss 14.528(203) of Michigan's Environmental Protection Act, MCL ss 691.1203, plaintiff is entitled to the cost incurred in bringing this action.

RELIEF REQUESTED

53. Wherefore, plaintiff Dale K Pape sr. respectfully request this Court to grant the following Relief;

A. Declare defendant MPI, to have violated and to be in violation of the Michigan Hazardous Waste Management Act.

B. Order the defendant MPI , to provide plaintiff with a copy of all reports and other documents that the defendant submits to the State of Michigan or the Federal government when submitted to these authorities;

C. Order the defendant MPI to take such action as may be necessary to correct all violations of the Michigan Hazardous Waste Management Act.

D. Order the defendants to pay civil penalties of \$25,000.00 per day of violation for each violation pursuant to Section 13.30 (48) of the Michigan Hazardous Waste Management Act.

E. Award plaintiff costs, including reasonable attorney, witness and consultant fees, as authorized by Section 13.30(48) of the Michigan Hazardous Waste Management Act;

F. Order the defendant MPI to take such actions as may be necessary to correct all CERCLA violations.

G. Order the defendant MPI to pay civil penalties of \$25,000.00 per day of violation for each day of the violation pursuant to Section 109 and 310 (c) of CERCLA, 42 U.S.C. ss 9609 and 9659(c);

H. Award plaintiff costs, including reasonable attorney, witness fees, as authorized by Section 310(f) of CERCLA, 42 U.S.C. 9659 (f).;

I. Declare the defendant MPI to have violated the Michigan Solid Waste Management Act, MCL 299.401 et seq. and the rules promulgated thereunder;

J. Order MPI to pay civil penalties of \$10,000.00 per day of violation for each violation under the Michigan Solid waste

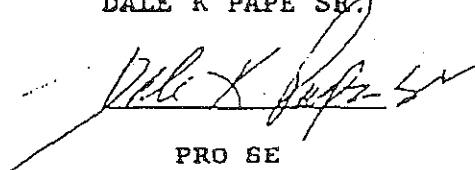
Management Act and the rules promulgated thereunder pursuant to MCL Section 299.433.

K. Impose whatever temporary and permanent equitable relief the Court determines is required to protect the air , Water and other natural resources of the public trust therein from pollution, impairment or destruction, or impose upon defendant MPI, whatever the Court deems Necessary to achieve end; and

L. Award such other relief as the Court deems approbate.

RESPECTFULLY SUBMITTED THIS 8 DAY OF MARCH 1995

DALE K PAPE SR



PRO SE

ADDRESS

*DALE K PAPE SR.
332 HWY 577
WALLACE, MICHIGAN 49893
PHONE NO. (906) 863-7221

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

DALE K. PAPE, SR.,

Plaintiff,

v.

MANISTIQUE PAPERS, INC.,

Defendant.

_____ /

Case No. 2:95-CV-73

Judge David W. McKeague

AFFIDAVIT OF LEIF CHRISTENSEN

COUNTY OF SCHOOLCRAFT)
) ss.
STATE OF MICHIGAN)

Leif Christensen, being first duly sworn, states as follows:

1. I am the President of Manistique Papers, Inc., ("Manistique Papers").
Manistique Papers is a corporation organized under Delaware law with its principal place of business in the City of Manistique, Schoolcraft County, State of Michigan.
 2. I have personal knowledge of the following facts.
 3. Manistique Papers owns and operates a disposal facility for its paper mill residuals known as a "Residuals Management Area " ("RMA").
 4. Residuals are produced as a result of the paper manufacturing process during which recycled paper is mechanically de-inked. No chemicals are used. The end product
- _____

is a slurry of paper residuals that are processed and treated through Manistique Papers' wastewater treatment system.

5. In general, the treatment system uses physical and biological treatment processes to remove residual clay, fibers and color producing substances (that originated with the recycled paper used as stock for the paper-making process) from the wastewater.

6. The treatment processes produce residuals containing between 35% and 40% solid material.

7. Once the residuals are removed from the wastewater and dewatered, they are collected for transport to and disposal at Manistique Papers' RMA.

8. The RMA is located approximately one and one-half miles north of Manistique Papers' paper mill within a 480 acre tract of land owned by Manistique Papers, of which 230 acres were considered suitable for disposal and were so identified in the Schoolcraft County Solid Waste Management Plan dated June, 1983.

9. The active disposal area for the disposal of the residuals is approximately 40 acres.

10. Manistique Papers' RMA has been in existence since 1973 and has at all times been duly licensed and regulated under National Pollutant Discharge Elimination System Permits ("NPDES Permit") issued to Manistique Papers through the Michigan Department of Natural Resources ("MDNR").

11. Management and monitoring of the RMA is performed in accordance with the Program for Effective Residuals Management ("PERM"), a requirement in the NPDES Permit.

12. Manistique Papers continues to operate the RMA in accordance with its PERM.

13. Manistique Papers has an on-going program for establishing the characteristics of the residuals as they are generated after treatment in the wastewater treatment process and prior to their transport for disposal at the RMA.

14. Over the last ten years, Manistique Papers has worked with MDNR in developing a work plan to investigate and evaluate the environmental impacts, if any, stemming from continued operation of the RMA.

15. On February 1, 1994, Manistique Papers filed a written Petition with MDNR to formally designate the residuals as inert material.

16. As relates to his CERCLA claim to recover costs, Manistique Papers has never granted Mr. Pape permission to enter the RMA and undertake any removal or remedial actions.

LEIF CHRISTENSEN

Subscribed and Sworn to before me
this ____ day of _____, 1995.

Notary Public, Schoolcraft Co., Michigan
My Commission Expires:

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

DALE K. PAPE, SR.,

Plaintiff,

v.

MANISTIQUE PAPERS, INC.,

Defendant.

Case No. 2:95-CV-73

Judge David W. McKeague

AFFIDAVIT OF DENNIS BITTNER

COUNTY OF DELTA)
) ss.
STATE OF MICHIGAN)

Dennis Bittner, being first duly sworn, states as follows:

1. I am an environmental engineer and President of Bittner Engineering, Inc. located at 113 South 10th Street in Escanaba, Michigan.

2. I have been awarded a Bachelors of Science in Forestry with a minor concentration in Civil Engineering from Michigan State University. I completed graduate level studies in the area of Forest Hydrology at Michigan State University. I hold a Masters of Science in Sanitary Engineering from Michigan State University and am registered as a Professional Engineer with the State of Michigan.

3. I have worked as an environmental expert for nearly 20 years and have obtained significant expertise in complying with state and federal environmental regulations through assistance with permitting requirements, special studies of suspected contamination including hydrogeological and soil contamination studies, environmental audits and design, and the implementation and operations of landfills, wastewater and water systems. I have extensive experience with due diligence reviews for prospective buyers and sellers of paper mills and other industrial facilities.

4. Prior to my association with Bittner Engineering, Inc., I was employed by Michigan's Department of Natural Resources, in the Water Quality Division, from 1972 to 1984. During the last seven years, I was the District Engineer, Water Quality Division, Escanaba, Michigan. I was responsible for overseeing the operation and maintenance of industrial, commercial and municipal wastewater treatment facilities for a six-county area. This involved reviewing self-monitoring data and operating reports, observing operations and maintenance manuals and issuing permits for construction and operations of these facilities.

5. I have personal knowledge of the facts stated herein and would be competent to testify to those facts if called upon to do so.

6. I have been professionally associated with Manistique Papers since 1985, providing environmental consultation services. During the past ten years, I have conducted a hydrogeological study of the site, assisted Manistique Papers with its permit applications and have provided guidance regarding miscellaneous engineering activities related to the design and operation of its Residuals Management Area ("RMA").

7. The purpose of the hydrogeological study was to collect and evaluate data using methods and procedures approved by MDNR to determine what effect, if any Manistique Papers' RMA may have had on the underlying soil and groundwater at the site.

8. Manistique Papers is in the business of manufacturing paper products.

9. Paper mill residuals are produced as a result of the paper manufacturing process during which recycled paper is mechanically de-inked. Manistique Papers uses a chemical-free process. The end product is a slurry of paper residuals that are processed and treated through Manistique Papers' wastewater treatment system.

10. In general, Manistique Papers' treatment system uses physical and biological treatment processes to remove residual clay, fibers, and color producing substances (that originated with the recycled paper used as stock for the paper-making process) from the wastewater. The treatment processes produce residuals containing between 35% and 40% solid material.

11. Once residuals are removed from the wastewater and dewatered, they are transported to Manistique Papers' RMA.

12. Manistique Papers has an on-going ^{space?} program for establishing the characteristics of the residuals as they are generated after treatment in the wastewater treatment process and prior to their transport to the RMA. Testing consists of the daily determination of certain physical characteristics and the periodic testing of the chemical characteristics of the residuals.

13. With regard to the chemical characteristics, the residuals have been tested for over 100 specific substances on both a total compositional basis and on the basis of leachate produced

from the residuals, in accordance with sampling and testing procedures approved by Michigan's Department of Natural Resources ("MDNR").

14. This testing has demonstrated repeatedly that the residuals are non-hazardous and compare favorably to native soils found in Michigan's Western Upper Peninsula and other areas of the United States.

15. At this point in time, Manistique Papers has established that: (1) the residuals being transported to the RMA are inert, and (2) the analytical data from the residuals transported to the RMA and the monitoring wells confirm that "hazardous substances" (as defined by CERCLA) are not present at concentrations that would be injurious to the environmental or natural resources, or to the public health, safety or welfare.

16. The analytical data on the residuals have confirmed that the residuals generated by Manistique Papers are not only inert, but also that they are one thousand times more impermeable than current landfill cover standards and ten times more impermeable than current landfill liner standards.

17. Based on this data, Bittner Engineering, Inc. and Dickinson, Wright, Moon, Van Dusen & Freeman assisted Manistique Papers with the preparation of a written Petition to formally designate the residuals as inert material. The petition was submitted to MDNR.

18. On September 15, 1994, Manistique Papers, through Bittner Engineering, Inc., submitted a Site Closure Plan for the RMA, which is pending before MDNR for comment and approval.

19. Manistique Papers' RMA has been continuously permitted by the Michigan Department of Natural Resources in its National Pollution Discharge Elimination System permit.

20. Testing has not indicated that Manistique Papers' operations have introduced any hazardous substances into an underground drinking water source beyond the boundary of the facility that have caused the concentration of that substance to exceed the allowable limits.

21. To my knowledge, Manistique Papers has never disposed of hazardous waste in its RMA. The paper mill residuals are not now, and have never been, hazardous wastes as defined by Michigan's Hazardous Waste Management Act, also known as Act 64.

22. To my knowledge, no release of a "hazardous substance" (as defined by CERCLA) in a reportable quantity has ever occurred at Manistique Papers' RMA.

DENNIS BITTNER

Subscribed and Sworn to before me
this ____ day of _____, 1995.

Notary Public, Delta Co., Michigan
My Commission Expires:

WP6:[WPSMB.23037.0030]BITTNER_DENNIS.AFF

STATE OF MICHIGAN



JAMES J. BLANCHARD, Governor

DEPARTMENT OF NATURAL RESOURCES

STEVENS T. MASON BUILDING
P.O. BOX 30028
LANSING, MI 48909

DAVID F. HALES, Director

RESOURCES COMMISSION
AS J. ANDERSON
LENE J. FLUHARTY
GORDON E. GUYER
KERRY KAMMER
ELLWOOD A. MATTSON
O. STEWART MYERS
RAYMOND POUPORE

RECEIVED

October 23, 1990

OCT 25 1990

MANISTIQUE PAPERS, INC.
Manistique, Mich. 49854-0453

CERTIFIED MAIL

Manistique Papers, Inc.
453 South Mackinac Street
Manistique, Michigan 49854

Gentlemen:

SUBJECT: NPDES Permit No. MI0003166

Your National Pollutant Discharge Elimination System (NPDES) Permit has been processed in accordance with appropriate state and federal regulations. It contains the requirements necessary for you to comply with state and federal water pollution control laws.

REVIEW THE PERMIT EFFLUENT LIMITS AND COMPLIANCE SCHEDULES CAREFULLY. These are subject to the criminal and civil enforcement provisions of both state and federal law. Permit violations are audited by the Michigan Department of Natural Resources and the United States Environmental Protection Agency and may appear in a published quarterly noncompliance report made available to agencies and the public.

Your monitoring and reporting responsibilities must be complied with in accordance with this permit. If applicable, Discharge Monitoring Report forms will be transmitted to you in the near future. These reports are to be submitted monthly or otherwise as required by your NPDES permit.

Any reports, notifications, or questions regarding the attached permit or NPDES program should be directed to the following address:

Jack Rydquist, District Supervisor
P.O. Box 190
1990 U.S. 41 South
Marquette, Michigan 49855
Telephone: (906) 228-6561

Manistique Papers, Inc.

Page 2

October 23, 1990

NOTE: All references within this permit made to the Water Quality Division or Chief of the Water Quality Division are to refer to the Surface Water Quality Division or Chief of the Surface Water Quality Division, respectively.

Sincerely,

William E. McCracken
William E. McCracken, P.E.
Chief, Permits Section
Surface Water Quality Division
517-373-8088

Enclosure: Permit

cc: EPA-Region V (2)
208 Agency - Central U.P. Planning and Development Regional Commission
Planning and Special Programs Section, SWQD
Mr. Jack Rydquist, SWQD Regional/District Supervisor, SWQD (3)
Compliance and Enforcement, SWQD
Data Entry, SWQD
Point Source Studies (Grand Rapids District Office), SWQD
Files

MICHIGAN WATER RESOURCES COMMISSION
AUTHORIZATION TO DISCHARGE UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provisions of the Federal Water Pollution Control Act, as amended, (33 U.S.C. 1251 et seq; the "Act"), and the Michigan Water Resources Commission Act, as amended, (Act 245, Public Acts of 1929, as amended, the "Michigan Act"),

Manistique Papers, Inc.
453 South Mackinac Street
Manistique, Michigan 49854

is authorized to discharge from a facility located at

453 South Mackinac Street
Manistique, Michigan 49854

designated as Manistique Papers Inc

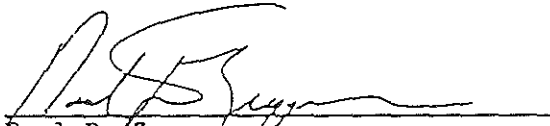
to the receiving water named the Manistique River in accordance with effluent limitations, monitoring requirements and other conditions set forth in this permit.

This permit takes effect on January 1, 1991. Any person who feels aggrieved by this permit may file a sworn petition with the Executive Secretary of the Michigan Water Resources Commission, setting forth the conditions of the permit which are being challenged and specifying the grounds for the challenge. The Commission may reject any petition filed more than 60 days after issuance as being untimely. Upon granting of a contested case to the applicant, the Commission shall review the permit to determine which contested term shall be stayed until the Commission takes its final action. If a contested condition is a requirement placed on wastewater covered by a new or increased discharge authorization, such increased discharge authorization shall be stayed until the Commission takes final action. All other conditions of the permit remain in full effect. If the contested condition is a modification of a previous permit condition and the Commission determines the contested condition shall be stayed, then such previous condition remains in effect until the Commission takes final action. During the course of any administrative proceeding brought by a person other than the applicant, the conditions of this permit will remain in effect, unless the Commission determines otherwise.

This permit and the authorization to discharge shall expire at midnight October 1, 1995. In order to receive authorization to discharge beyond the date of expiration, the permittee shall submit such information and forms as are required by the Michigan Water Resources Commission to the Permits Section of the Surface Water Quality Division no later than 180 days prior to the date of expiration.

This permit is based on an application submitted on January 29, 1990. On its effective date this permit shall supersede NPDES Permit No. MI0003166, expiring July 31, 1990.

Issued this 20th day of September, 1990, by the Michigan Water Resources Commission.


Paul D. Zugger
Executive Secretary

PART I

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. Final Effluent Limitations, Outfall 004

During the period beginning on the effective date of this permit and lasting until the expiration date of this permit, the permittee is authorized to discharge up to three million (3,000,000) gallons per day of noncontact cooling water and vacuum pump seal water to the Manistique River from outfall 004. Such discharge shall be limited and monitored by the permittee as specified below:

Effluent Characteristic Flow (MGD)	Discharge Limitations				Monitoring Requirements	
	lbs/day		Other Limitations		Measurement	Sample
	Monthly Average (report)	Daily Maximum (report)	Monthly Average --	Daily Maximum --	Frequency Daily	Type Report Total Daily Flow
BOD ₅ (mg/l)	--	--	(report)	(report)	Daily	Grab Composite*
Total Suspended Solids (mg/l)	--	--	(report)	(report)	Daily	Grab Composite*
Temperature (°F)	--	--	(report)	(report)	Weekly	Reading
Outfall Observation	--	--	--	--	Daily	Visual

*Grab composite samples shall consist of three grab samples, spaced equally during a 24-hour period.

- a. The receiving stream shall contain no unnatural turbidity, color, oil film, floating solids, foams, settleable solids, or deposits as a result of this discharge.
- b. Samples, measurements, and observations taken in compliance with the monitoring requirements above shall be taken prior to discharge to the Manistique River.
- c. Any unusual characteristics of the discharge (i.e., unnatural turbidity, color, oil film, floating solids, foams, settleable solids, or deposits) shall be reported immediately to the Marquette District Supervisor of the Surface Water Quality Division followed with a written report within 5 days detailing the findings of the investigation and the steps taken to correct the condition.
- d. In the event the permittee shall require the discharge of water treatment additives, the permittee shall notify the Marquette District Supervisor of the Surface Water Quality Division. The permittee shall obtain written approval from the Marquette District Supervisor to discharge such additives at a specified level. The permit may be modified in accordance with the requirements of Part II.B.4. if a constituent of the additive or additives requires limiting.
- e. The term noncontact cooling water shall mean water used for cooling which does not come into direct contact with any raw material, intermediate product, by-product, waste product, or finished product.

PART I

Section A.

2. Final Effluent Limitations, Outfall 006

During the period beginning on the effective date of this permit and lasting until the expiration date of this permit, the permittee is authorized to discharge up to five million (5,000,000) gallons per day of secondary treated process wastewater to the Manistique River from outfall 006. Such discharge shall be limited and monitored by the permittee as specified below:

<u>Monitoring Requirements</u> <u>Effluent</u> <u>Characteristic</u>	<u>Discharge Limitations</u>				<u>Measurement</u> <u>Frequency</u>	<u>Sample</u> <u>Type</u>
	<u>lbs/day</u>		<u>Other Limitations</u>			
	<u>Monthly</u> <u>Average</u>	<u>Daily</u> <u>Maximum</u>	<u>Monthly</u> <u>Average</u>	<u>Daily</u> <u>Maximum</u>		
Flow (MGD)	(report)	(report)	--	--	Daily	Report Total Daily Flow
BOD ₅ (mg/l)	--	--	(report)	(report)	Daily	24-Hr. Comp.
Total Suspended Solids (mg/l)	--	--	(report)	(report)	Daily	24-Hr. Comp.
Phosphorus, Total (as P)	--	--	1.0 mg/l	--	Weekly	24-Hr. Comp.
Zinc, Total						
1/1/91 to 9/30/92	--	--	--	(report)	Weekly	24-Hr. Comp.
10/1/92 to expiration	--	--	--	225 ug/l	Weekly	24-Hr. Comp.
Silver, Total						
1/1/91 to 9/30/92	(report)	--	(report)	(report)	Weekly	24-Hr. Comp.
10/1/92 to expiration	0.75	--	18 ug/l	20 ug/l	Weekly	24-Hr. Comp.
Copper, Total						
1/1/91 to 9/30/92	--	--	--	(report)	Weekly	24-Hr. Comp.
10/1/92 to expiration	--	--	--	43 ug/l	Weekly	24-Hr. Comp.
Lead, Total (See Part I.A.2.d.)						
Intake				(report)	Weekly	24-Hr. Comp.
Discharge				(report)	Weekly	24-Hr. Comp.
Outfall Observation	--	--	--	--	Daily	Visual
			<u>Daily</u> <u>Minimum</u>	<u>Daily</u> <u>Maximum</u>		
pH (Standard Units)			5.5	9.0	Daily	Grab

PART I

Section A.2. (continued)

- a. The receiving stream shall contain no unnatural turbidity, color, oil film, floating solids, foams, settleable solids, or deposits in quantities which are or may become injurious to any designated use as a result of this discharge.
- b. Samples, measurements, and observations taken in compliance with the monitoring requirements above shall be taken prior to discharge to the Manistique River.
- c. Any unusual characteristics of the discharge (i.e., unnatural turbidity, color, oil film, floating solids, foams, settleable solids, or deposits which would not be expected from the discharges previously specified) shall be reported immediately to the Marquette District Supervisor of the Surface Water Quality Division followed with a written report within 5 days detailing the findings of the investigation and the steps taken to correct the condition.
- d. Demonstrations: On or before October 1, 1992, the permittee shall submit the following to the Marquette District Supervisor of the Surface Water Quality Division:
- i. A demonstration as to whether there is a statistically significant net discharge of lead from outfall 006. "Net discharge" means an increase in lead concentration from the plant water supply intake to the wastewater discharge. To determine whether this requirement is met, the following procedures shall be followed:
 - a) Samples are to be analyzed for lead using an EPA approved method with a detection level of one ug/l or less.
 - b) The net discharge of lead shall be calculated using the weekly analytical results for lead concentration in the intake and discharge required by Part I.A.2. of this permit.
 - c) The following general procedure shall be followed to determine whether there is a statistically significant net discharge of lead: The means of the concentrations of lead in the intake and the discharge waters shall be compared using the Student-t test or the Wilcoxon rank sum test. A statistically significant net discharge shall not be considered to exist unless the test applied by the permittee indicates, at the 95 percent confidence interval, that the mean concentration of lead in the discharge exceeds the mean concentration of lead in the intake. A detailed statistical procedure for this determination shall be submitted for approval to the Chief of the Surface Water Quality Division on or before February 1, 1991.
 - ii. A demonstration, by certification from suppliers or other methods, that lead is not contained in any material used in the process or which could otherwise contribute lead to the wastewater discharge.
 - iii. The content of critical materials or priority pollutants, other than lead, in all materials added to the furnish during paper manufacturing such as dyes, pigments, brighteners, sizing agents, fillers, coatings, defoamers, etc. Certification of product content by the supplier of the materials may be used for this purpose.

Based on the above demonstrations, this permit may be modified in accordance with Part II.B.4 to establish additional permit requirements necessary to protect water quality consistent with the Michigan Water Quality Standards.

PART I

Section A.

3. Final Effluent Limitations, Outfalls 004, 005 and 006

During the period beginning on the effective date of this permit and lasting until the expiration date of this permit, the permittee is authorized to discharge up to eight million (8,000,000) gallons per day of treated process wastewater, noncontact cooling water, and vacuum pump seal water to the Manistique River from outfalls 004, 005, and 006. Such discharge shall be limited and monitored by the permittee as specified below:

Effluent Characteristic	Discharge Limitations				Monitoring Requirements	
	lbs/day		Other Limitations		Measurement Frequency	Sample Type
	Monthly Average	Daily Maximum	Monthly Average	Daily Maximum		
BOD ₅	4,644	8,941	--	--	Daily	Summation of totals
Total Suspended Solids	6,397	11,881	--	--	Daily	Summation of totals

4. Special Condition - Discharge from Outfall 005.

During the period beginning on the effective date of this permit and lasting until the expiration date of this permit, the permittee is authorized to discharge up to five million (5,000,000) gallons per day of primary treated process wastewater to the Manistique River from outfall 005. Such discharge shall occur only during periods when the activated sludge system or secondary clarifier are out of service. Effluent limitations as set forth for outfall 006, Part I.A.2, will apply in all instances. Monitoring shall be daily during periods of discharge. In the event outfall 005 is used for discharge, the Marquette District Office of the Surface Water Quality Division shall be notified immediately by telephone.

PART I

Section A.

5. Special Condition - Short Term Waste Characterization Study

As a condition of this permit, the permittee shall monitor the discharge from outfall(s) 006 for the constituents, at the frequency, and for the duration specified below. This monitoring is designed to determine whether these constituents are discharged in significant quantities. The results of the analysis of such monitoring shall be submitted to the Marquette District Supervisor of the Surface Water Quality Division in accordance with Part I.C.2, Schedule of Compliance. If, upon review of the analysis, it is determined that any of the materials or constituents require limiting to protect the receiving waters in accordance with applicable water quality standards, the permit may then be modified after public notice and Commission approval of the recommended permit modification in accordance with Part II.B.4.

<u>CONSTITUENT</u>	<u>SAMPLE TYPE</u>	<u>SAMPLE FREQUENCY</u>	<u>SAMPLE DURATION</u>
Cadmium	24-Hr. Composite	Weekly	Six Weeks

Note: Samples are to be analyzed using an EPA approved method with a detection limit of 0.2 ug/l.

6. Special Condition - Acute Toxicity Testing

Rule 82 of the Michigan Water Quality Standards requires, in part, that 1.0 acute toxic unit (TU) not be exceeded at any point in the receiving waters inhabited by aquatic life. ^A"Acute toxic unit" is defined as the reciprocal of the test concentration that causes the acute effect by the end of the exposure period.

a. On or before February 1, 1991, the permittee shall submit a biomonitoring plan outlining specific testing and reporting procedures to the Marquette District Supervisor of the Surface Water Quality Division for approval. The plan shall include four acute toxicity tests on two test species using effluent from outfall 006. The toxicity tests shall be conducted once every 2 months after approval of the biomonitoring plan. Test species shall include fathead minnow and Daphnia magna (alternate test species may be used upon approval of the Marquette District Supervisor). Testing and reporting procedures shall follow procedures contained in EPA/600/4-85/013, "Methods for Measuring the Acute Toxicity of Effluents to Freshwater and Marine Species".

b. The permittee shall implement the biomonitoring plan within 60 days after approval of the Marquette District Supervisor.

c. The final report on the tests conducted under item 6.b. above, shall be submitted to the Marquette District Supervisor within one month after completion of the final test.

(Continued)

PART I

Section A.6. (continued)

d. The Surface Water Quality Division will review the toxicity data submitted by the permittee to determine if the toxicity requirements of Rule 82 are being satisfied.

i. If the toxicity requirements of Rule 82 are not being met, upon written notification by the Marquette District Supervisor, the following conditions apply:

a) Within 90 days of the above notification, the permittee shall submit a Toxicity Identification/Reduction Evaluation (TI/RE) plan to the Marquette District Supervisor for approval. The TI/RE plan shall include appropriate measures to comply with the toxicity requirements of Rule 82, monitoring to show the effectiveness of the toxicity control measures, and a schedule to implement the plan.

b) The permittee shall implement the approved TI/RE plan in accordance with the schedule contained in the plan.

ii. If the toxicity requirements of Rule 82 are close to being exceeded, upon written notification by the Marquette District Supervisor, the permittee shall conduct quarterly acute toxicity tests on the effluent from outfall 006 for the life of the permit. After 1 year, the monitoring frequency may be reduced upon approval of the Marquette District Supervisor if the test data indicate that the toxicity requirements of Rule 82 are consistently being met. The acute toxicity tests shall be performed using the more sensitive species selected from the acute toxicity database produced in item 6.b., above. If a more sensitive species cannot be identified, the acute toxicity tests shall be performed with both species.

The Surface Water Quality Division will review the toxicity data submitted by the permittee to determine if the toxicity requirements of Rule 82 are being satisfied. If the toxicity requirements of Rule 82 are not being met, upon written notification by the Marquette District Supervisor, the conditions of item 6.d.i., above, apply.

e. This permit may be modified in accordance with Part II.B.4. to include additional whole effluent toxicity requirements as necessary.

PART I

Section A.

7. Special Condition - Dissolved Oxygen Monitoring Study

As a condition of this permit, beginning upon issuance of this permit and before April 30, 1991, the permittee shall monitor* outfall 006 for dissolved oxygen at a frequency and duration specified below. This monitoring is required to demonstrate that the water quality based effluent limit of 4.0 mg/l minimum for dissolved oxygen is consistently being met. The results of the monitoring program shall be submitted by June 31, 1992, to the Marquette District Supervisor of the Surface Water Quality Division. If, upon review of the data, it is determined that dissolved oxygen needs to be monitored and/or limited any further to protect the receiving waters in accordance with applicable Water Quality Standards, the permittee will be so informed. The permit will then be modified in accordance with Part II.B.4.

<u>CONSTITUENT</u>	<u>SAMPLE TYPE</u>	<u>SAMPLE FREQUENCY</u>	<u>SAMPLE DURATION</u>
Dissolved Oxygen (mg/l)	Grab	Twice Monthly	12 Months

*The permittee shall submit an approvable plan for monitoring, sampling, and analysis to the Marquette District Supervisor by February 28, 1991.

8. Special Condition - Pollution Incident Prevention Plan Update

As a condition of this permit, the permittee shall review and update as need be, on an annual basis, the approved Pollution Incident Prevention Plan established for the facility in accordance with the Part 5 Rules of the Water Resources Commission. Notification of said update shall be made in writing to the Marquette District Office by July of each year.

9. Special Condition - Program for Effective Residuals Management (PERM) Update

As a condition of this permit, the permittee shall review and update as need be, on an annual basis, the approved Program for Effective Residuals Management (PERM) established for the facility. Notification of said update shall be made in writing to the Marquette District Office Supervisor by July of each year. Substantial changes in the existing approved PERM requiring update notification shall include, but not be limited to: a change in disposal method or site; a change in monitoring parameters or monitoring frequency; an increase in application rate; or a change in residuals quantity or characteristics. Subsequent to the approval of the PERM update, disposal of residuals resulting from treatment of wastewater shall be in accordance with the existing approved PERM. Any residual disposal inconsistent with the existing approved PERM shall be considered a violation of this permit.

10. Special Condition - Biocides

The permittee is prohibited from using chlorophenolic-containing biocides. In the event the permittee desires to use such biocides, the permittee may request modification of the permit. The permit may be modified in accordance with the requirements of Part II.B.4. to include effluent limitations for pentachlorophenol and trichlorophenol, and any other requirements necessary to protect the receiving

PART I

Section A.

11. Special Condition - Reopener Clause

This permit may be modified or, alternatively, revoked and reissued to comply with any applicable standard(s) or limitation(s) promulgated under Section 301(b)(2)(c)(d), 304(b)(2) and 307(a)(2) of the Act, if the effluent standard(s) or limitation(s) so promulgated:

- a. is(are) either different in condition or more stringent than any effluent limitation in the permit; or
- b. control(s) any pollutant not limited in the permit.

12. Special Condition - Notification Requirement

The permittee shall notify the Marquette District Supervisor of the Surface Water Quality Division, in writing, within 10 days of knowing, or having reason to believe, that any activity or change has occurred or will occur which would result in the discharge of:

- a. Detectable levels* of chemicals on the current Michigan Critical Materials Register or priority pollutants or hazardous substances set forth in 40 CFR 122.21, Appendix D, which were not acknowledged in the application** or listed in the application at less than detectable levels.
- b. Detectable levels* of any other chemical not listed in the application or listed at less than detection, for which the application specifically requested information.
- c. Any chemical at levels greater than five times the average level reported in the application**.

Any other monitoring results obtained as a requirement of this permit shall be reported in accordance with the schedule of compliance.

*The detectable level shall be defined as the Method Detection Limit (MDL) as given in Appendix B to Part 136, Federal Register, Vol. 49, No. 209, October 26, 1984, pp. 43430-31.

**The application submitted on January 29, 1990.

13. Discharge to the Groundwaters

The reissuance of this permit does not authorize any discharge to the groundwaters. Such discharge must be authorized by a groundwater discharge permit issued pursuant to Act 245, Public Acts of 1929, as amended.

PART I

B. MONITORING AND REPORTING

1. Representative Sampling

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge.

2. Reporting:

a. DMR Submittal Requirements - The permittee shall submit Discharge Monitoring Report (DMR) forms to the Michigan Department of Natural Resources, Surface Water Quality Division, Data Entry Unit, P.O. Box 30028, Lansing, Michigan, 48909, for each calendar month of the authorized discharge period(s). The DMRs shall be postmarked no later than the 10th day of the month following each month of the authorized discharge period(s).

3. Definitions

a. The monthly average discharge is defined as the total discharge by weight, or concentration if specified, during the reporting month divided by the number of days in the reporting month that the discharge from the production or commercial facility occurred. If the pollutant concentration in any sample is less than the detection limit, regard that value as zero when calculating monthly average concentration. When less than daily sampling occurs, the monthly average discharge shall be determined by the summation of the measured daily discharges by weight, or concentration if specified, divided by the number of days during the reporting month when the samples were collected, analyzed and reported.

b. The daily maximum discharge means the total discharge by weight, or concentration if specified, during any calendar day.

c. The Regional Administrator is defined as the Region V Administrator, U.S. EPA, located at 230 South Dearborn, 13th Floor, Chicago, Illinois, 60604.

d. The Executive Secretary of the Michigan Water Resources Commission is located in the KNAPP'S OFFICE CENTRE. The mailing address is P.O. Box 30028, Lansing, Michigan, 48909.

e. The Chief of the Surface Water Quality Division's mailing address is P.O. Box 30028, Lansing, Michigan, 48909.

4. Test Procedures

Test procedures for the analysis of pollutants shall conform to regulations published pursuant to Section 304(h) of the Act, under which such procedures may be required.

PART I

Section B.

5. Recording Results

For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record the following information:

- a. The exact place, date, and time of measurement or sampling;
- b. The person(s) who performed the measurement or sample collection;
- c. The dates the analyses were performed;
- d. The person(s) who performed the analyses;
- e. The analytical techniques or methods used;
- f. The date of and person responsible for equipment calibration; and
- g. The results of all required analyses.

6. Additional Monitoring by Permittee

If the permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit, using approved analytical methods as specified above, the results of such monitoring shall be included in the calculation and reporting of the values required in the Discharge Monitoring Report. Such increased frequency shall also be indicated.

7. Records Retention

All records and information resulting from the monitoring activities required by this permit including all records of analyses performed and calibration and maintenance of instrumentation and recordings from continuous monitoring instrumentation shall be retained for a minimum of three (3) years, or longer if requested by the Regional Administrator or the Michigan Water Resources Commission.

PART I

C. SCHEDULE OF COMPLIANCE

1. The permittee shall continue to operate the installed facilities to achieve the effluent limitations specified for outfall(s) 004, 005, and 006.

2. The permittee shall achieve compliance with the final effluent limitations for outfall 006 specified in Part I.A.2., in accordance with the following schedule. All submittals shall be to the Marquette District Supervisor of the Surface Water Quality Division.

- a. On or before June 1, 1991, the permittee shall submit and receive approval of a preliminary engineering report and basis of design for any needed facilities.
- b. On or before November 1, 1991, the permittee shall submit and receive approval of final plans and specification for any needed facilities.
- c. On or before July 1, 1992, the permittee shall complete construction of any needed facilities.
- d. On or before October 1, 1992, the permittee shall attain an operational level necessary to meet the limits specified herein.

3. The permittee shall achieve compliance with the Short Term Waste Characterization Study requirements specified in Part I.A.5., in accordance with the following schedule. All submittals shall be to the Marquette District Supervisor.

- a. On or before March 1, 1991, the permittee shall implement the study.
- b. On or before May 1, 1991, the permittee shall have completed all monitoring as required.
- c. On or before June 1, 1991, the permittee shall submit the analytical results of such monitoring.

4. Reapplication

If the discharges authorized by this permit are expected to continue beyond the expiration date of this permit, the permittee is required to submit an application for reissuance to the Chief of the Permits Section of the Surface Water Quality Division on or before April 1, 1995.

5. Written Report Required

Within 14 days of every requirement date specified in this permit, the permittee shall submit written notification to the Marquette District Supervisor indicating whether or not the particular requirement was accomplished. If the requirement was not accomplished, the notification shall include an explanation of the failure to accomplish the requirement, actions taken or planned by the permittee to correct the situation, and an estimate of when the requirement will be accomplished. If a written report is required to be submitted by a specified date and the permittee accomplishes this, a separate written notification is not required.

PART II

A. MANAGEMENT REQUIREMENTS

1. Duty to Comply

All discharges authorized herein shall be consistent with the terms and conditions of this permit. The discharge of any pollutant identified in this permit more frequently than or at a level in excess of that authorized shall constitute a violation of the permit.

It is the duty of the permittee to comply with all the terms and conditions of this permit. Any noncompliance with the Effluent Limitations, Special Conditions, or terms of this permit constitutes a violation of Public Acts 245, of 1929, as amended, and/or PL 92-500, as amended, and constitutes grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of an application for permit renewal.

2. Change of Conditions

Any anticipated facility expansion, production increases, or process modification which will result in new, different, or increased discharges of pollutants must be reported by submission of a new application to the Chief of the Permits Section of the Surface Water Quality Division or, if such changes will not violate the effluent limitations specified in this permit, by notice to the Marquette District Supervisor of the Surface Water Quality Division. Following such notice, the permit may be modified to specify and limit any pollutant not previously limited.

3. Containment Facilities

The permittee shall provide facilities for containment of any accidental losses of concentrated solutions, acids, alkalies, salts, oils, or other polluting materials in accordance with the requirements of the Michigan Water Resources Commission Rules, Part 5. This requirement is included pursuant to Section 5 of the Michigan Water Resources Commission Act 245, P.A. of 1929, as amended, and the Part 5 Rules of the General Rules of the Commission.

4. Operator Certification

The permittee shall have the waste treatment facilities under direct supervision of an operator certified by the Michigan Department of Natural Resources, as required by Section 6a of the Michigan Act.

5. Noncompliance Notification

If, for any reason, the permittee does not comply with or will be unable to comply with any daily maximum effluent limitation specified in this permit, the permittee shall provide the Marquette District Supervisor of the Surface Water Quality Division with the following information, in writing, within five (5) days of becoming aware of such condition:

- a. A description of the discharge and cause of noncompliance; and
- b. The period of noncompliance, including exact dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and the steps taken to reduce, eliminate and prevent recurrence of the noncomplying discharge.



0000 0945 0632

R USE ONLY

For signed for use on this form only

No. 2050-0039. Expires 9-30-94

UNIFORM HAZARDOUS
WASTE MANIFEST1. Generator's US EPA ID No.
MID 981192628Manifest
Document No.
535532. Page 1
of 1Information in the shaded areas
is not required by Federal law.

3. Generator's Name and Mailing Address

MANISTIQUE PAPERS
453 S MACKINAC AVE
MANISTIQUE

MI 49854

Site Location If Different

4. Generator's Phone (906) 341-2175

5. Transporter 1 Company Name

SAFETY-KLEEN CORP.

6. US EPA ID Number

WID 981187297

7. Transporter 2 Company Name

8. US EPA ID Number

9. Designated Facility Name and Site Address

SAFETY-KLEEN CORP.
2100 BADGER ROAD
KAUKAUNA.

WI 54130

10. US EPA ID Number

WID 981187297

A. State Manifest Document Number

WI 0526190

B. State Generator's ID

C. State Transporter's ID

D. Transporter's Phone 414 766-4266

E. State Transporter's ID

F. Transporter's Phone

G. State Facility's ID

H. Facility's Phone 414 766-4266

11. US DOT Description (Including Proper Shipping Name, Hazard Class, and ID Number)

12. Containers
No. Type13. Total
Quantity14. Unit
Wt/Vol

15. Waste No.

a. WASTE COMBUSTIBLE LIQUID, N.O.S.
(PETROLEUM NAPHTHA) NA1993 PGIII(D001)

003 DM

00039

G

D001

H

b. (D006, D008, D018, D035, D039, D040) (ERG#27)

c. RG WASTE COMBUSTIBLE LIQUID, N.O.S.
(PETROLEUM NAPHTHA) NA1993 PGIII(D001)

003 DM

00039

G

D001

H

d. (D006, D008, D018, D035, D039, D040) (ERG#27)

J. Additional Descriptions for Materials Listed Above

I(A) D039 D018
I(B) D039 D018(A) D006, D008, D035, D040, 6.7#G
(B) D006, D008, D035, D040, 6.7#G

K. Handling Codes for Wastes Listed Above

15. Special Handling Instructions and Additional Information

9445 74216847 153553 5-176-01-5079 10

ITEM 6 MI/ILD051060408

EMERGENCY RESP#1-708-888-4660 24 HR

SKDOT# A:

501 B:

585 C:

D:

16. GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national governmental regulations and according to the requirements of the Wisconsin Department of Natural Resources. If I am a large quantity generator, I also certify that I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment;

OR, if I am a small quantity generator, I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford.

Printed/Typed Name & Position Title

JAN KEOLE STORES

Signature

JAN KEOLE

Date

Month Day Year
11/10/92

17. TRANSPORTER 1 Acknowledgement of Receipt of Materials

Printed/Typed Name & Position Title

Edward S. Hawtrey

Signature

Edward S. Hawtrey

Date

Month Day Year
11/10/92

18. TRANSPORTER 2 Acknowledgement of Receipt of Materials

Printed/Typed Name & Position Title

Signature

Date

Month Day Year
11/10/92

19. Discrepancy Indication Space

20. FACILITY OWNER OR OPERATOR: Certification of receipt of hazardous materials covered by this manifest except as noted in Item 19.

Printed/Typed Name & Position Title

JACK REY

Signature

JACK REY

Date

Month Day Year
11/10/92

EPA Form 8700-22 (Rev. 9-88) Previous editions are obsolete.

Copy Distribution:

1 - Generator send to Wis. DNR

2 - Generator retain

3 - Facility send to Wis. DNR

4 - Facility retain

5 - Facility send to Generator

6 - Transporter retain

Emergency 24 Hour Assistance Telephone Number

In Wisconsin (608) 266-3232

Outside Wisconsin (800) 424-8802

COPY 3-

FACILITY SEND TO WIS. DNR

Copies 1 & 3 mail to Wis. DNR at above address.

NATURAL RESOURCES

COMMISSION

JERRY C. BARTNIK

LARRY DEVUYST

PAUL EISELS

JAMES P. HILL

W.D. HOLLI

M. SPANO

JAN B. TATTER



JOHN ENGLER, Governor

DEPARTMENT OF NATURAL RESOURCES

ROLAND HARMES, Director

REGION I HEADQUARTERS

1990 U.S. 41 South

Marquette, Michigan 49855-9198

September 8, 1994

RECEIVED

SEP -9 1994

Mr. Leif Christensen
 President/General Manager
 Manistique Papers, Inc.
 453 S. Mackinac Avenue
 Manistique, Michigan 49854

Marquette Dist. W.M.D.

Dear Mr. Christensen:

This will serve to confirm the meeting we arranged for October 11, 1994, to discuss the draft inertness designation that was forwarded to you on August 22, 1994. While scheduling this meeting with the Waste Management Division staff, they requested a listing of your concerns/issues prior to the meeting so they could be forwarded to Duane Roskowsky for his review. He will be attending the meeting via telephone. As you know, Duane is the department expert on inertness designations and he feels he could more appropriately address your concerns by proceeding in that manner.

I have tentatively scheduled two meeting sites, the Regional Office conference room and the Fish Hatchery conference room, one of which will be secured by October 11. I will notify the attendees when I receive a site confirmation. Since we are asking you for a pre-meeting submittal, I felt immediate confirmation of the meeting was appropriate.

We will be looking forward to meeting with you. In the meantime if you have questions or wish further discussion, please feel free to contact me.

Sincerely,

Jack W. Rydquist, P.E.

District Supervisor

Surface Water Quality Division

906-228-6561

dmk

- c: Mr. Dennis Bittner, Bittner Engineering
 Mr. Frank Opolka, MDNR
 Mr. Duane Roskowsky, MDNR
 Mr. Clif Clark, MDNR
 Mr. Rob Schmeling, MDNR
 Mr. Ron Raisanen, MDNR
 Ms. Margie Ring, MDNR



MICHIGAN DEPARTMENT OF NATURAL RESOURCES

INTEROFFICE COMMUNICATION

Marquette, Michigan
November 12, 1993

TO: Jack Rydquist, Surface Water Quality Division
Clif Clark, Environmental Response Division
Rob Schmeling, Waste Management Division

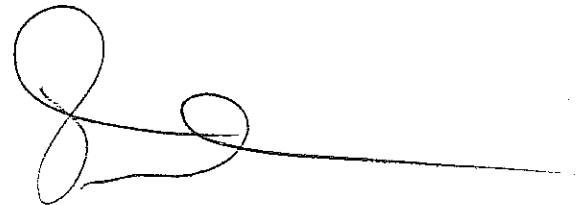
FROM: Frank Opolka, Deputy Director

SUBJECT: Manistique Papers

The enclosed letter from Leif Christensen requires action on our part. Please review the portion of the letter applicable to your program and the action needed. I am asking Jack to take the lead and prepare a response for my signature.

Thanks for your assistance!

Enclosure



RECEIVED

NOV 16 1993

Marquette Dist. W.M.D.

LAW OFFICES OF
PARRY MURRAY WARD & CANNON

A PROFESSIONAL CORPORATION
1270 EAGLE GATE TOWER
60 EAST SOUTH TEMPLE
SALT LAKE CITY, UTAH 84111

TELEPHONE: (801) 521-3434
FAX: (801) 521-6484

Page 1 of 1

November 10, 1993

VIA FACSIMILE TRANSMISSION

Telecopier No. 517/373-9958

Dr. Roger Eberhardt
Surface Water Quality Division-PSFS
Michigan Department of Natural Resources
P.O. Box 30273
Lansing, MI 48909

RE: Manistique Pulp and Paper Company Landfill

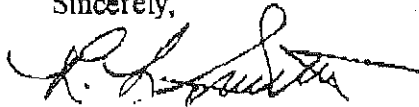
Dear Dr. Eberhardt:

Pursuant to the State of Michigan Public Record Laws, MCL 15.231 and MSA 4.1801(1), this is a formal request for documents relating to the Manistique Pulp and Paper Company ("MPPC") Landfill. Please provide copies of all documents regarding this landfill, including but not limited to, the following. Please also provide names and addresses for any other MDNR offices responsible for the overseeing and housing of records regarding this landfill.

1. Documents discussing, listing or characterizing the contents of the MPPC landfill.
2. Any information characterizing the nature and constituent elements of waste streams from MPPC plant operations, including waste streams intended for solid waste disposal.
3. All documents related to the design, construction, operation and closure of any landfill receiving waste from MPPC plant operations.
4. Documents evidencing or referring to any violations of MPPC in its use and operation of its landfill.
5. Waste characterizations on each and every waste stream received by the MPPC landfill since its creation.

We agree to pay all reasonable fees for the document search and duplication. Please also (1) contact me at (801) 521-3434 if any additional information is needed to fulfill this request; (2) respond to this request in an expedited manner as the documents requested contain matter needed for current litigation; and (3) convey the requested documents to this firm via U.S. Postal Service.

Sincerely,



Ronald L. Smith
Legal Assistant

NATURAL RESOURCES
COMMISSION

JOHN ENGLER, Governor

DEPARTMENT OF NATURAL RESOURCES

ROLAND HARMES, Director

Region I Headquarters

1990 U.S. 41 South

Marquette, Michigan 49855

October 6, 1993

RECEIVED

OCT - 6 1993

Mr. Leif Christensen
Manistique Papers, Inc.
453 S. Mackinac Avenue
Manistique, MI 49854

Dear Mr. Christensen:

Marquette Dist. W.M.D.

As a result of our last meeting with you and discussion with my staff, the Department would like to address the environmental issues at your disposal facility. The Manistique Papers, Inc. existing disposal facility, on Frankovich Road, is an unacceptable location for the disposal of mill wastes. The continued disposal of waste at this facility is construed to be in violation of the Michigan Solid Waste Management Act, 1978 P.A. 641, as amended (Act 641), and the facility's NPDES Permit. The current disposal area is a listed 307 site. The existing site-specific conditions at the facility preclude any chance of licensing the site under Act 641, and also preclude approval of operation of the site under a Program for Effective Residuals Management (PERM).

Manistique Papers, Inc. should cease operation of this unlicensed disposal facility, including any additional disposal of mill wastes. We would like to meet with you by November 15 to establish a timetable for development of a work plan, site closure and the disposal of waste in compliance with State law.

In your August 13, 1993 letter, you requested that the disposal site be removed from the 307 list. As has been previously discussed, the site will be maintained on the list until the Department's review shows the site no longer meets the criteria of a "site." According to MERA, a site shall not be removed from the list until necessary response activities are complete. MERA Section 10a addresses the responsibilities of an owner or operator of such a facility. These responsibilities include determining the nature and extent of the release and immediately stopping or preventing the release at the source. Manistique Papers, Inc. should secure the services of an environmental consultant to provide assistance in developing remedial investigations necessary to determine the nature and extent of contamination at this facility.

October 6, 1993


It is our intention that sludge generated at the mill site should be handled in accordance with an approved PERM and disposed in an approved Act 641 landfill. The landfill type (Type II or III) needed for disposal will depend on your success in obtaining an "inert" classification of the sludge. I understand you are in the process of reevaluating that classification after removing flyash and aluminum salts from the sludge mass. Perhaps, you will have the results of your testing program for our next meeting.

Regional staff from our Waste Management (inertness designations, landfill issues), Environmental Response (remedial investigations, MERA issues), and Surface Water Quality (NPDES, PERM issues) Divisions should be contacted for guidance through their respective programs, as they pertain to this project.

Please call me to arrange a convenient date for a meeting to discuss these issues.

Thank you.

Sincerely,


Frank Opolka
Deputy Director
906-228-6561

cc: Mr. Jack Rydquist, Surface Water Quality Division
Mr. Robert Schmeling, Waste Management Division
Mr. Clifton Clark, Environmental Response Division

DALE K. PAPE SR.
6151 W. Elmwood Road
Menominee, Michigan 49858
Telephone: (906) 863-7221

ET
Orig: ERD

Xc: WM, AQSWO

Xc: Peter
Daw S

August 25, 1993

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Leaf Christensen, President
Manistique Paper Company
453 Mackinac
Manistique, Michigan 49854

AUG 31 1993

Orig: Cliff C

Cliff.

pls advise
if WMD on
ERD list.

Dear Mr. Christensen:

Notice is hereby given by Dale K. Pape, Sr. that Manistique Paper Company, a wholly-owned subsidiary of Kruger Inc. ("Manistique"), located in the City of Manistique, Schoolcraft County, State of Michigan, is alleged to be in violation of the federal Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended ("CERCLA"), more particularly, Manistique Paper Company is alleged to be in violation of CERCLA § 103 (42 U.S.C. § 9603) and CERCLA § 107 (42 U.S.C. § 9607).

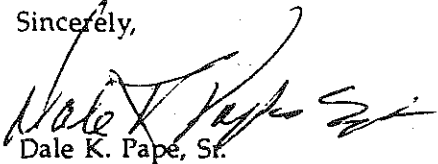
With this notice, responsibility for the violations complained of is attributed to the Manistique Paper Company, Inc., a Canadian Corporation registered to do business in the State of Michigan. Manistique owns and operates a landfill, which is an on-shore facility within the meaning of that term under (CERCLA), 42 U.S.C. § 9607 (7), in Schoolcraft County, Manistique, Michigan to dispose ash and Sludge from its paper mill operations.

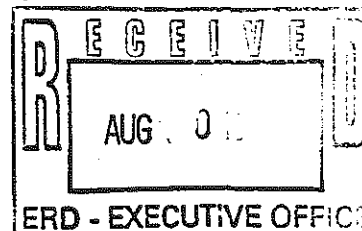
Manistique received a Michigan Department of Natural Resources ("MDNR") permit (Permit No: None) in Township 42N, Range 16W to operate a landfill in Schoolcraft County, Manistique, Michigan in Section 36. Manistique has engaged in numerous activities at this landfill which have constituted violations of federal environmental laws, including, but not limited to, the following:

Hazardous substances have been and continue to be released, or threatened to be released, from the Manistique Paper Company into the surrounding wetlands and the Manistique River which empties into Lake Michigan and into the surrounding surface and sub-surface soils and the ground waters of the State of Michigan. By dumping, emptying, releasing, or other disposal into the Manistique Landfill, in continuous or intermittent violation of Section 107 of CERCLA, 42 U.S.C. § 9607, and Manistique Paper has failed to give notice of such releases or threatened releases to the National Response Center in violation of Section 103 of CERCLA, 42 U.S.C. § 9603.

This notice is given pursuant to the requirements of 42 U.S.C. § 9659 (d) and 40 CFR § 374.3.

Sincerely,


Dale K. Pape, Sr.



Enclosure: Attached Notification List (VIA CERTIFIED MAIL WITH RETURN RECEIPT REQUESTED)



MANISTIQUE PAPERS, INC.
453 S. MACKINAC AVE. • MANISTIQUE, MI 498
906-341-2175 FAX # 906-341-5635

*Write
Ron, letter
what is the
status of the
landfill site?*

February 1, 1993

LEIF CHRISTENSEN
PRESIDENT - GENERAL MANAGER

Ms. Margie A. Ring
Environmental Engineer, Waste Management Division
Department of Natural Resources
Regional Headquarters, 1990 U.S. 41 South
Marquette, MI 49855

RECEIVED

FEB - 3 1993

Marquette Dist. W.M.D.

RE: Manistique Papers, Inc., Disposal of Boiler/Burner Ash

Dear Ms. Ring:

I am in receipt of your letter of January 14, 1993, and you correctly note that Manistique Papers, Inc. burns fossil fuel in an industrial boiler. You have asked me to describe our current ash disposal arrangements, which I will set forth here. We currently operate two coal-fired boilers, and ash from these units is transported to the Company's residuals management site located on Frankovich Road, about three miles north of Manistique. The ash is spread on top of the paper mill sludge to add stability and to improve roadways on the waste pile for the trucks.

As you are probably aware, our residuals management site is operated under authority granted by the Program for Effective Residuals Management ("PERM") provisions of our NPDES permit. We have submitted annual updates to our PERM to your Water Quality Division, as required by law. For your convenience and reference, I have enclosed a copy of Bittner Engineering's 1988 PERM update to Steve Casey in which we state, "Ash from Mill boilers is applied to the landfill as cover material and to add stability to the sludge pile."

As you are also probably aware, we have been conducting waste characterization studies of the ash as requested by your office and the Waste Characterization Unit in Lansing. In a meeting on April 20, 1992, we were told by your office that once the studies are complete and the ash/sludge materials are determined to be inert, the landfill can continue to be operated under its PERM. Our initial waste characterization testing indicates that our ash/sludge is more environmentally correct than native top soil characteristically found in the Western Upper Peninsula of Michigan.

If you need any further information, please let me know.

Sincerely,
MANISTIQUE PAPERS, INC.

Leif Christensen
Leif Christensen

LC:smq

SUBSIDIARY OF KRUGER, INC.

STATE OF MICHIGAN

NATURAL RESOURCES COMMISSION

HARRY DEVUYST
EISELE
JON E. GUYER
JES P. HILL
DAVID HOLLI
O. STEWART MYERS
JOEY M. SPANO



JOHN ENGLER, Governor

DEPARTMENT OF NATURAL RESOURCES

ROLAND HARMES, Director

Regional Headquarters
1990 U.S. 41 South
Marquette, Michigan 49855

MAY 12 1992

May 4, 1992

Mr. Leif Christensen
Manistique Papers, Inc.
453 W. Mackinac Ave.
Manistique, Michigan 49854

Dear Mr. Christensen:

SUBJECT: Manistique Papers, Inc., Solid Waste Disposal Site,
Schoolcraft County

This is in reference to our meeting of April 20, 1992, concerning the sludge disposal site operated by Manistique Papers, Inc. located in Section 36, T42N, R16W, of Schoolcraft County.

Section 13(2) of 1978 P.A. 641, as amended, and rules promulgated thereunder, states that "A person otherwise allowed under the act to own or operate a solid waste disposal area shall not conduct, manage, maintain, or operate a disposal area within this state without a license from the director, contrary to an approved solid waste management plan or contrary to a permit, license, or final order issued under this Act." A review of our files revealed that the disposal site currently being operated without a license by Manistique Papers, Inc. is in violation of Section 13. Based on this fact, the Department requested that Manistique Papers, Inc. meet with the Department concerning their current operation and to discuss the requirements of Act 641.

During our meeting we discussed WMD's current position as to the status of your disposal site. I stated that based on the preliminary analytical data submitted to our office from samples of the waste generated at Manistique Papers, Inc., it appears that the wastes are non-hazardous and may be disposed of at a licensed type II solid waste disposal facility.

REPORT OF SLUDGE SPILLED ON HIGHWAY

MARCH 27, 1991

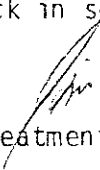
About 9:30 P.M., Wednesday march 27, 1991 Lauren Edwards left the mill to dump a load of sludge at the landfill. As he left the paper mill parking lot, the tailgate on the truck opened up and the contents (sludge) started to spill out of the box onto the road. The spill started at the paper mill gate and extended to the Manistique Paper Landfill.

Public safety officers noticed the spill shortly after it happened and phoned the mill. Bob Taylor phoned me at home to tell me what happened. I said I would go look at the spill and stop at the mill to see him.

When I got to the mill the state police drove up beside me and asked who the driver was, I told them Lauren Edwards, they also wanted to know if I would see if the mess got cleaned up. I said I would see to it that it got cleaned up. After I got done talking to the troopers, I turned around and Lauren was there with the front end loader and he said that the crew had been called in and that he was going to start cleaning up the mess. I went into the mill and Bob Taylor said that he had the crew called in including Al Landis. Henry came in and I had him go out and help Lauren. When Bill and Rick came in I had them start cleaning up the road also.

Al Landis came in next and I had him take one of the front end loaders and start cleaning the road also. I also asked Al if he would get the Hiawatha Township fire truck and wash the remaining residual off the road after the clean up was complete. When Doug came in I had him operate the press as his shift was about to start anyway. The clean up was complete about 1:00 A.M.

The subject vehicle was taken out of service immediately. Inspection and repairs to the tailgate latching mechanism were completed on the morning of March 28, 1991, prior to placing the vehicle back in service.

Jim Cook 
Waste Treatment Supervisor

NATURAL RESOURCES COMMISSION
THOMAS J. ANDERSON
CENE J. FLUHARTY
KAMMER
VART MYERS
J. D. OLSON
RAYMOND POUPORE

STATE OF MICHIGAN



JAMES J. BLANCHARD, Governor

DEPARTMENT OF NATURAL RESOURCES

GORDON E. GUYER, Director

Regional Headquarters
1990 US-41 South
Marquette, Michigan 49855

March 31, 1988

Mr. Dennis Bittner
Bittner Engineering, Inc.
614 Ludington Street
Escanaba, Michigan 49829

RE: MANISTIQUE PAPERS, INC.
SOLID WASTE DISPOSAL FACILITY
SCHOOLCRAFT COUNTY

Dear Mr. Bittner:

This is in reference to our meeting at Manistique Papers, Inc., on March 15, 1988, concerning the hydrogeologic study and general requirements for developing the company's existing solid waste disposal facility in compliance and licensing under Act 641, P.A. 1978, as amended.

During our meeting we discussed the general requirements and overview of what needs to be done and/or pursued by Manistique Papers in order for the existing disposal site to be evaluated by the Department for compliance with Act 641.

Following our meeting you agreed to submit by early May a response to the Department's March 5, 1988 letter, concerning our review of the hydrogeologic study.

We look forward to receiving your response and working with you and Manistique Papers, Inc., in their effort to develop a environmentally safe disposal site in compliance with Act 641. If you have any questions, please contact our office.

Sincerely,

A handwritten signature in cursive script that reads "Robert Schmeling II".

Robert Schmeling II
Regional Supervisor
Waste Management Division
906/228-6561

ksf

cc: Leif Christensen, Manistique Papers

MICHIGAN DEPARTMENT OF NATURAL RESOURCES

INTEROFFICE COMMUNICATION

Marquette, Michigan
October 21, 1987

TO: Roger Hack, Regional Supervisor
Land and Water Management Division

FROM: Robert Schmeling II, Regional Supervisor
WMD *Robert Schmeling II*

SUBJECT: MANISTIQUE PAPERS, INC.
SOLID WASTE DISPOSAL SITE
SCHOOLCRAFT COUNTY

Manistique Papers, Inc. presently operates an unlicensed solid waste disposal site in Section 36 T42N R16W of Thompson Township. Bittner Engineering, Inc., has been hired by Manistique Papers, Inc., to evaluate the site/existing materials in an effort to determine if the site can be brought into compliance and licensed under Act 641, PA 1978 as amended.

The department has approved the preliminary work plan and is presently waiting for Bittner Engineering to complete their study. Based on their finding and department review, the site will be brought into compliance with the requirements of Act 641.

Waste Management Division is aware of the location and will notify you as soon as we receive any information or license application. If you have any questions, please see me.

RS/ksf

MICHIGAN DEPARTMENT OF NATURAL RESOURCES

INTEROFFICE COMMUNICATION

RECEIVED SEP 30 1987

Marquette, Michigan
September 29, 1987

TO: Jack Rydquist, Regional Surface Water Supervisor
Robert Schmeling, Regional Waste Management Supervisor

FROM: Roger Hack, Regional Supervisor
Land & Water Management Division

SUBJECT: File #R87-4-27
Manistique Papers' Solid Waste Site

We have received the attached complaint regarding the possibility of a wetlands violation at the solid waste dump site for Manistique Papers, Inc.

After checking your records, could you confirm the current situation and provide me with any information relevant to this issue.

RH:bfs
Attachment

cc: Frank Opolka

Roger Hack
(46)

STATE OF MICHIGAN



NATURAL RESOURCES COMMISSION
JAMES J. ANDERSON
MARLENE J. FLUHARTY
GORDON E. GUYER
KERRY KAMMER
O. STEWART MYERS
DAVID D. OLSON
RAYMOND POUPORE

JAMES J. BLANCHARD, Governor

DEPARTMENT OF NATURAL RESOURCES

~~RONALD E. SKOOG, Director~~

Gordon E. Guyer, Director

Regional Headquarters
1990 US-41 South
Marquette, Michigan 49855

May 21, 1987

Mr. Dennis Bittner
Bittner Engineering, Inc.
614 Ludington Street
Escanaba, Michigan 49829

Re: Manistique Papers Landfill
Hydrogeo Study

Dear Denny:

My review of your May 4, 1987 submittal, our files, and discussions with our staff have resulted in the following observations, questions and conclusions:

- ✓1. The leachate analysis provided with your submittal was performed to determine if the previously disposed wastes were suitable for type III disposal.
- ✓2. ✓Was the leachate test by the EP Tox, ASTM neutral, or other method? ✓How were samples composited? From what depths, in which borings? ✓Where were the borings located (map)? ✓Were borings advanced to the bottom of the waste? Please supply copies of the actual lab reports and appropriate sample identifications.
- ✓3. Total organic carbon (TOC) was not analyzed, as specified in Schmeling's July 2, 1986 letter. This analysis, like chemical oxygen demand (COD) is a general measure of the organic matter in water. TOC (or COD), and dissolved manganese - which was not clearly indicated as a leachate test parameter in Schmeling's letter - are parameters of interest from the January 1979 Cory Labs leachate test.
- ④ Have samples been analyzed, on a dry weight basis, for PCBs? If not, please have such analysis performed on representative samples. We should discuss this prior to sampling or analysis.

Mr. Dennis Bittler
May 21, 1987.
Page Two

- ✓5. The wastes to be disposed at this site should be leachate tested as in your May 4, 1987 submittal, with the addition of COD or TOC, and dissolved manganese analysis.
- ✓6. If COD and/or TOC, dissolved manganese and bicarbonate alkalinity were added to your May 4, 1987 recommended observation wells water analyses, and if no unusual results are found, and pending your response to this letter, the previously disposed waste could be considered appropriate for type III disposal.
- ✓7. After review of the leachate analysis of the new wastes, and a couple of sets of the above water analysis, the parameter list should be appropriately revised. Parameters primarily used for ion balance analysis (calcium, sodium, magnesium, chlorides, sulfates and bicarbonate alkalinity) and heavy metals found only in low concentration could become annual parameters. The quarterly analysis would be for a short list of parameters (such as pH, conductance, TOC, dissolved manganese and total recoverable phenolics).

If you have any questions, please call.

Sincerely,

Clif Clark
WASTE MANAGEMENT DIVISION
906/228-6561

CC:bfs

c: Steve Casey

MICHIGAN DEPARTMENT OF NATURAL RESOURCES

INTEROFFICE COMMUNICATION

TO: Joseph Bal, District Engineer

DATE: September 22, 1981

FROM: David Williams, Water Quality Specialist *DW*

SUBJECT: Manistique Pulp and Paper Company

I have reviewed the September 1, 1981 memo from William Busby to Robert Courchaine concerning a complaint about barrel disposal by Manistique Pulp and Paper Company. I have some background information about this problem that may be of interest to you.

I was aware of the fact that Manistique Pulp and Paper Company made it a practice to dispose of steel and cardboard barrels, pallets, and other refuse, along with their sludges at the sludge disposal site. I informed representatives of the company that disposing of this "solid waste" with the sludge was unauthorized and not in compliance with their approved Residuals Management Plan. To my knowledge, all the steel barrels are rinsed out and emptied when placed in the sludge disposal site. My concern about these practices was twofold: first, the practice is not in compliance with their NPDES permit; and, second, the barrels may lead someone to suspect that the company is disposing of hazardous liquid wastes in an unapproved manner. These concerns of mine were voiced to the company representatives.

The company claims there is no salvage value in the barrels and sees this manner of disposal as harmless. In an effort to improve the appearance of the sludge disposal site, company employees were instructed to dispose of the barrels at night and cover them with sludge. This information was given to me voluntarily by the vice president and general manager of the company.

At my request, the company has been investigating the possibility of operating a private landfill for disposal of the above-mentioned "solid waste." They are looking at using an area adjacent to the sludge disposal site or an entirely different site. They intend to make appropriate contacts with the Resource Recovery Division.

In the meantime, they intend to stockpile the drums at a location near the sludge disposal site. Since these drums are washed out and empty, I feel no threat exists to the environment.

At the present time, I intend to continue working with the company to resolve this matter unless I receive instructions to the contrary from you or Law Enforcement Division.

cc: Resource Recovery Division (R. Schmeling)
Environmental Enforcement (W. Busby)
J. Bohunsky

TO: Earle Olsen
Region I Supervisor
Resource Recovery Division
Marquette

DATE: October 15, 1980

FROM: Robert Schmeling II
Region I Engineer
Resource Recovery Division
Marquette

SUBJECT: Manistique Pulp and Paper Company
Manistique, Michigan
Schoolcraft County

On October 8, 1980, staff inspected the sludge disposal site of Manistique Pulp and Paper Company located on M-94. ~~The inspection revealed that materials other than sludge, fly ash and bark wastes were being disposed of at the facility. Items such as drums, metal cans, plastic bags containing materials, cardboard boxes, crating wood and other miscellaneous materials were also being disposed of at the facility.~~

On October 14, 1980, staff contacted Mr. Joe Bal, Water Quality Division, Escanaba, and reported the findings of the inspection to him. Mr. Bal told staff that he was in the process of reviewing the company's sludge disposal plan and that he would contact the company immediately to inform them that the disposal materials other than sludge was not allowed at the facility and if the facility was not cleaned up and operated correctly, their sludge disposal plan would not be approved.

8/31 - 10:20

Mr. Bennett, Gregg Stoll called.

Attended a public meeting outside of Manistique.

People concerned about problem of well contaminations.

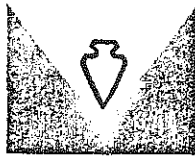
One of the fellows at the meeting said that the paper mill was secretly dumping empty barrels that had contained inks, dyes, etc., into an approved dumping site, which is 400 yards from the Manistique River. This is a bacterial problem and not chemical.

Gregg notified the Environmental Enforcement Division.

Apparently the paper mill is dumping these barrels at night.

If you wish to call Gregg, he will be in his office later this afternoon.

mam



MANISTIQUE PULP AND PAPER COMPANY
MANISTIQUE, MICHIGAN 49854

TELEPHONE: (906) 341-2175

July 28, 1980

Mr. Anthony J. Palladino, P.E.
739 Academy Street
Kalamazoo, Michigan 49007

Dear Tony:

Subsequent to our discussion on the possible revegetation of our solid waste disposal site I have taken the following action:

1. I arranged for Dr. Stephen Shetron of Michigan Technological University, an expert on tailings basin revegetation, to inspect our disposal area. Dr. Shetron recommended ten (10) cover crops (list attached) which we could use in seeding test plots. Shetron also recommended that stability of the piles of sludge be investigated.
2. The edge of some areas of the dumping area have been staked for preliminary determination of creep.
3. I have obtained several varieties of grass seed for testing purposes. When the test plots will be established is dependent on when we receive the nutrient requirement analysis.
4. We have provided Michigan Tech (see attached letter) with sludge samples and commissioned them to conduct tests on the physical properties, such as moisture holding capacity and permeability, of the sludge which affect its amenability to vegetation. They will also determine the nutrient requirements if revegetation is to be undertaken.

When we receive the study results from Michigan Tech I will be contacting you concerning your recommendations on what our next step should be.

I will have a map for you in early August.

Thank you.

MANISTIQUE PULP AND PAPER COMPANY

Eric Bourdo

EB:blr

Enc.

cc: L. Christensen
J. Cook

A Subsidiary of Field Enterprises, Inc.

MICHIGAN DEPARTMENT OF NATURAL RESOURCES

INTEROFFICE COMMUNICATION

DATE: October 23, 1979
TO: Joseph Bal, District Engineer, Water Quality Division
FROM: Earle Olsen, Regional Supervisor, Resource Recovery Division
SUBJECT: Manistique Pulp and Paper Company Sludge Disposal Facility

During our recent conversation regarding the disposal of sludge from the Manistique Pulp and Paper Company, it was our understanding that the Water Quality Division will provide control of the disposal of waste water sludge from the company's waste water facility plant through the NPDES permit.

We have had some prior discussion with company representatives, at which they were to complete a hydrogeologic study of the site and to prepare a comprehensive engineering plan for proper disposal of the waste sludge which would allow licensing of the facility under the Solid Waste Management Statute.

So far the only information which has been submitted is a legal description of the disposal site and a preliminary topographic map which we have enclosed for your review and files. We have also enclosed other copies of correspondence which you should be aware of concerning further development or expansion of the existing disposal site.

ng

encls.

cc: F. Kellow

A handwritten signature in cursive script, appearing to read "Carl A. Olsen".

Copies to:

M. D. J. Bennett
Jos. Bat
P.E.H.S.

State of Michigan
 Department of Natural Resources

P.E.A.S. Incident No.

POLLUTION INVESTIGATION REPORT

R Employee Preparing Report — Name, Division, and phone number.

Bethany Jean Keller
 Law Division
 341-6842

Alleged Violator — Name, title, and phone number.

Manistique Pulp and Paper Co.
 South Mackinac Ave.
 Manistique, MI

1. Type of Problem ☐ Air ☐ Solid Waste **1** ☐ Submerged Lands ☐ Inland Lakes and Streams
☒ Water ☐ Soil Erosion ☐ Flood Plain
☐ Other _____

2. Statute or Administrative Rules involved: **Act 245 PA 1929**

3. Brief summary of the nature and extent of the problem and the effect of the problem on the environment or natural resources.

In the Manistique River below the Manistique Pulp and Paper Company the water was brown in color and there was a quantity of "suds"-like material floating on top, on August 18, 1979. The next day, August 19, I returned to the area and took pictures of the mess. I observed sudsy materials being discharged into the water.

4. A. Date of Emmission, Discharge or Alleged Violation: **August 18-19, 1979**

B. Time (if known): **Approx. 7 PM** C. Approximate Location: **Below the paper mill**

5. Were there any witnesses? ☒ Yes ☐ No Attach names and addresses with a brief summary of what each saw.

Were any photos taken? ☒ Yes ☐ No If yes, identify by whom, how many, dates, and what they depict.

August 19, 1979

7. Were any samples taken? ☐ ☒ No ☐ NA

Name of Sampler _____

Was a chain of custody kept on the samples? ☐ Yes ☐ No

What disposition was made of the samples? _____

Attach analyses of samples

8. Attach any of the following:

- A. A narrative report of events including action taken by DNR personnel.
- B. Copies of field notes taken of the scene.
- C. A rough diagram indicating the point of emission, discharge or alleged violation, relation to receiving or other waters, air quality, or other natural resources, approximate position of witness, points from which photos were taken with arrows pointing to scene photographed, and points at which samples were taken, if applicable.

9. State agency personnel who were first notified of problem or complaint:

D.L.S. R Hill

Party Notifying: A.S. Walker + Co. Keller

Date: 8-24-79 Time: _____

10. Are other State Agencies involved? ☒ Yes ☐ No

If yes, which? Water Quality Yes Bal

11. Does the alleged violator operate pursuant to a DNR permit, license or administrative order? ☐ Yes ☐ No ☐ NA

If yes, please explain: _____

12. Did the alleged violator explain the problem in writing? ☐ Yes ☐ No ☐ NA

If yes, date: _____ Copy attached? ☐ Yes ☐ No

Party notified: _____

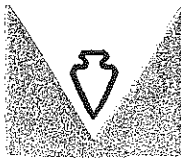
13. Briefly summarize what evidence you believe exists to indicate the alleged violator either knew of the problem and failed to disclose such, or falsified a report:

Submitted by (Print): Bethany Jean Keller, Conservation Officer

Unit : Law Division

Signature : _____

Date of Report : 8-19-79



MANISTIQUE PULP AND PAPER COMPANY
MANISTIQUE, MICHIGAN 49854

TELEPHONE: (906) 341-2176

Leif Christensen
Vice President-General Manager

July 19, 1979

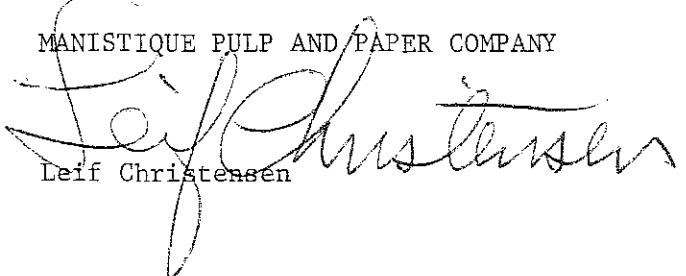
Mr. Robert Schmeling II, P.E.
Sanitary Engineer
Department of Natural Resources
203 State Office Building
Escanaba, Michigan 49829

Dear Mr. Schmeling:

Enclosed is the Topographic Map of the Sludge Disposal Area. Also enclosed is a copy of a note from Anthony Palladino, P.E. dated July 16 which he used to convey the print.

Sincerely,

MANISTIQUE PULP AND PAPER COMPANY


Leif Christensen

LC:blr

Enc.

cc: George Bouschor
James Cook
Audun H. Grimmon

203 State Office Building
Escanaba, Michigan 49829
February 26, 1979

Mr. Leif Christensen
Vice President-General Manager
Manistique Pulp and Paper Company
Manistique, Michigan 49854

Dear Mr. Christensen:

This is in reference to our meeting on February 22, 1979, concerning the company's sludge disposal site. It is our understanding that your staff will be sending to our office a list of the chemicals supplied to your company in metal 55 gallon drums. Also, your staff is looking into some type of a recycling and/or disposal system rather than disposing of them and the baling wire at the sludge disposal site. During the interim period the barrels and baling wire may be stockpiled at the site to be removed as soon as an alternate disposal system is put into operation.

You stated that your consulting engineer is in the process of preparing the design plans for the existing sludge disposal site. When these plans are completed, they should be submitted to our office for review, along with a complete hydrological study of the disposal site.

We look forward to working with you. If you have any questions, please contact our office.

Sincerely,

Earle H. Olsen, R.S.
Regional Supervisor
Resource Recovery Division

By: Robert Schmeling II, P.E.
Sanitary Engineer

lh

cc: Luce-Mackinac-Alger-Schoolcraft
District Health Department
F. Kellow

February 26, 1979

TO: Dave Dennis, Oil and Hazardous Materials
Water Quality Division

FROM: Robert Schmeling II, Sanitary Engineer *RS*
Resource Recovery Division

SUBJECT: Manistique Pulp and Paper Company, sludge disposal site

This is in reference to the February 5, 1979 letter from Ms. William Busby concerning the sludge disposal site operated by Manistique Pulp and Paper Company. Our staff has been working with the company to bring their sludge disposal site into compliance for licensing. The company has hired a consulting engineer to perform the necessary studies and design work.

In regard to the 55 gallon drums, the company is looking into the possibility of recycling or having a scrap iron firm pick them up. In the interim they are stockpiling the drums at the disposal site for easy removal when a viable alternative is found.

It is our goal to have the disposal site in compliance and licensed as soon as weather permits the required corrections.

lh

cc: W. Busby
J. Walker
F. Kellow

MICHAEL J. BROOKS
ATTORNEY AT LAW
214 S. CEDAR STREET
MANISTIQUE, MICHIGAN 49854
(906) 341-6928

May 24, 1978

Fred Lesica, Clerk
Schoolcraft County Circuit Court
Schoolcraft County Building
Manistique, Michigan 49854

Re: Carlson vs. Manistique Pulp & Paper Company
File No. 77-348-CE

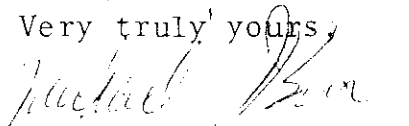
Dear Mr. Lesica:

Enclosed for filing in the above-entitled cause of action please find Notice of Taking Depositions and Affidavit of Mailing.

By copy of this letter I am forwarding copies of the Notice of Taking Depositions of Mr. Olsen and Mr. Williams to all Attorneys of record, to Mr. Olsen and Mr. Williams, and to the Court Reporter, Louise Anderson.

Thank you for your attention in this matter.

Very truly yours,



MICHAEL J. BROOKS

MJB/mgw

cc - Nino E. Green, Attorney
George G. Wood, Attorney
Gifford D. Smith, Attorney
Mr. Earle Olsen
✓Mr. David Williams
Ms. Louise Anderson, Court Reporter

Enclosures

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF SCHOOLCRAFT

AURA ESTELLA CARLSON,

Plaintiff,

vs.

File No. 77-348-CE

MANISTIQUE PULP & PAPER
COMPANY, a Delaware Corporation;
MANISTIQUE RENTALS, INC., a
Michigan Corporation, and RUSSELL
HOWARD CARLSON,

Defendants.

NINO E. GREEN (P14314)
Attorney for Plaintiff

GEORGE G. WOOD (P22523)
Attorney for Defendant Manistique Pulp
& Paper Company

GIFFORD D. SMITH (P20655)
Attorney for Defendant Manistique Rentals

MICHAEL J. BROOKS (P22973)
Attorney for Defendant Carlson

NOTICE OF TAKING DEPOSITIONS

TO:	Clerk of the Court Schoolcraft County Building Manistique, Michigan 49854	Nino E. Green, Attorney 225 Ludington Street Escanaba, Michigan 49829
	George G. Wood, Attorney 127 S. Cedar Street Manistique, Michigan 49854	Gifford D. Smith, Attorney First National Bank Bldg. Manistique, Michigan 49854
	Mr. Earle Olsen 305 Ludington Street Office 203 Escanaba, Michigan 49829	✓ Mr. David Williams 305 Ludington Street Office 203 Escanaba, Michigan 49829

PLEASE TAKE NOTICE that the depositions of Mr. Earle
Olsen and Mr. David Williams will be taken on Friday, the 2nd day

INTEROFFICE COMMUNICATION

To: Karl Zollner & Joe Bal ✓

Subject: Manistique Pulp & Paper
Wastewater Survey
October 25-26, 1977

From: Gary Boersen JB

Date: November 8, 1977

This memo is being used to substitute for the Inspection Sheet normally completed after a survey due to the nature of the problems found.

Shortly after arrival at the plant on Tuesday morning, October 25th, the company shut down the paper machine for what was termed routine maintenance. Plant personnel indicated that this is normally done on Thursday, but due to the problems they were experiencing with the machine, they decided to shut it down Tuesday. At 9:00 a.m. Tuesday the machine was down and was not started until about 6:00 p.m. that night. This occurrence has had an undetermined effect on the survey results. Below is a short discussion on each outfall considering the effects of the shut down and its present status.

Outfall 006

Reduced flows were recorded during the shutdown period. Flow monitoring and sampling procedure are good by the company.

Outfall 008

This outfall ceased discharging shortly after the paper mill was shut down. The outfall discharges only 8 hours per day under normal operation and ceased operation because the log storage area was full.

The company substantially reduced its flow through the second story log pond the second day of the survey. Logs that were transported in the log pond the first day by the flow of water needed men to push them the second day.

The company measures flow at this outfall by estimating the leakage from the control board or the head over it. From the large pile of logs beneath this outfall they apparently just allow logs that are not of the proper grade to continue out the end of the flume. The pile of logs location to the river is such, that if the river elevation rises just a few feet the logs would be carried away.

Outfall 004

Figure 1 shows the basic layout of the outfall. The company indicated the Corps of Engineers performed a survey at one time to measure the flow, but were not sure how they did it or when it was done. When questioned further about the flow from the outfall the company came to the conclusion they weren't sure where the number they put on their MOR came from.

STATE OF WISCONSIN

Chapter 144, Wis. Stats.

Form 4400-66P

Rev. 3-97

State of Wisconsin
Department of Natural Resources
Bureau of Solid and Hazardous Waste Mgt.
Box 8094
Madison, Wisconsin 53708

FOR DNR USE ONLY

ALL COPIES MUST BE LEGIBLE,
PLEASE TYPE

Form Approved. OMB No. 2050-0039. Expires 9-30-99

signed for use on elite (12-pitch) typewriter.

UNIFORM HAZARDOUS WASTE MANIFEST		1. Generator's US EPA ID No. WTR000036186	Manifest Document No. 1112171	2. Page 1 of 1	Information in the shaded areas is not required by Federal law.	
3. Generator's Name and Mailing Address 71 W. Jackson Boulevard, 6th Fl. Chicago, IL 60604		Site Location If Different One mile east of M-94 on Rte Monistigue MI 49854		A. State Manifest Document Number WI J811891		
4. Generator's Phone (312) 466-6199				B. State Generator's ID		
5. Transporter 1 Company Name Superior Special Services, Inc.		6. US EPA ID Number WTR98056644		C. State Transporter's ID 1507		
7. Transporter 2 Company Name		8. US EPA ID Number		D. Transporter's Phone		
9. Designated Facility Name and Site Address Superior Special Services, Inc. 1275 Mineral Springs Drive Port Washington WI 53074		10. US EPA ID Number WTR98056644		E. State Transporter's ID		
				F. Transporter's Phone		
				G. State Facility's ID		
				H. Facility's Phone		
11. US DOT Description (Including Proper Shipping Name, Hazard Class, and ID Number)		12. Containers No.	Type	13. Total Quantity	14. Unit Wt/Vol	I. Waste No.
a. 100 Hazardous Waste Liquid, n.o.s. 3. NA1992, PGII (D007, D008)		001	DM	000.25	G	
b. 100 Hazardous Waste Liquid, n.o.s. 3. NA1992, PGII (D007, D008)		001	DM	000.25	G	
c. 100 Hazardous Waste Solid, n.o.s. 3. NA1997, PGII (D007, D008)		001	DM	000.75	G	
d.						
J. Additional Descriptions for Materials Listed Above A: D008 B: W50774(SH38); D007 (D007, D008) C: W50776(SH38); D008 (D007, D008) D: W50775(SH38); D007 (D007, D008)				K. Handling Codes for Wastes Listed Above		
15. Special Handling Instructions and Additional Information Project 01070 Emergency Contacts: 1-800-502-4800						
16. GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national governmental regulations and according to the requirements of the Wisconsin Department of Natural Resources. If I am a large quantity generator, I also certify that I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment; OR, if I am a small quantity generator, I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford.						
Printed/Typed Name & Position Title David Braun, Sr. Supervisor		Signature David Braun		Date 02/06/98		
17. TRANSPORTER 1 Acknowledgement of Receipt of Materials						
Printed/Typed Name & Position Title James R. Ostwald - Driver		Signature James R. Ostwald		Date 02/12/98		
18. TRANSPORTER 2 Acknowledgement of Receipt of Materials						
Printed/Typed Name & Position Title		Signature		Date		
19. Discrepancy Indication Space						
20. FACILITY OWNER OR OPERATOR: Certification of receipt of hazardous materials covered by this manifest except as noted in Item 19.						
Printed/Typed Name & Position Title David Braun Operations Supervisor		Signature David Braun		Date 02/12/98		

EPA Form 8700-22 (Rev. 9-88) Previous editions are obsolete.

Copy Distribution:

1 - Generator send to Wis. DNR

4 - Facility retain

2 - Generator retain

5 - Facility send to Generator

3 - Facility send to Wis. DNR

6 - Transporter retain

Copies 1 & 3 mail to Wis. DNR at above address.

Emergency 24 Hour Assistance Telephone Number

In Wisconsin (608) 266-3232

Outside Wisconsin (800) 424-8802

COPY 5-

FACILITY SEND TO GENERATOR

COPY

RZ2.R05020.01.EP.260

MEMO

To: John Lefler, Michigan Department of Environmental Quality
From: Robert Young, TechLaw *RY*
Subject: Investigation-Derived Waste - Manistique Paper
Date: June 8, 1998

Based on your telephone conversation with Mr. Mike Powers of our TechLaw, Chicago office, enclosed is an amendment to the "Notification of Regulated Waste Activity" form for U.S. EPA ID No. MIR000030106. Per your instructions, only the second page of the form has been revised, as the information supplied on the first page is the same as the initial submittal. Please note that two pages have been submitted, allowing for the listing of additional Toxicity Characteristic waste codes. Also, as indicated in Section XI, "Comments," the wastes may contain polychlorinated biphenyls (PCBs), but the concentrations of the PCBs is currently unknown.

Please contact me at 312-345-8966 if you require any additional modifications.

cc: B. Freeman, U.S. EPA
D. Sharrow, U.S. EPA
P. Brown-Derocher, TechLaw
T. Quillen, TechLaw

ID - For Official Use Only

VIII. Type of Regulated Waste Activity (Mark 'X' in the appropriate boxes. Refer to Instructions)

A. Hazardous Waste Activity

1. Generator (See Instructions)
- ☐ a. Greater than 1000kg/mo (2,200 lbs.)
- ☒ b. 100 to 1000 kg/mo (220-2,200 lbs.)
- ☐ c. Less than 100 kg/mo (220 lbs.)
2. Transporter (Indicate Mode in boxes 1-5 below)
- ☐ a. For own waste only
- ☐ b. For commercial purposes

Mode of Transportation

- ☐ 1. Air
- ☐ 2. Rail
- ☐ 3. Highway
- ☐ 4. Water
- ☐ 5. Other - specify

- ☐ 3. Treater, Storer, Disposer (at installation) Note: A permit is required for this activity, see instructions.
4. Hazardous Waste Fuel
- ☐ a. Generator Marketing to Burner
- ☐ b. Other Marketers
- ☐ c. Boiler and/or Industrial Furnace
- ☐ 1. Smelter Deferral
- ☐ 2. Small Quantity Exemption
- Indicate Type of Combustion Device(s)
- ☐ 1. Utility Boiler
- ☐ 2. Industrial Boiler
- ☐ 3. Industrial Furnace
- ☐ 5. Underground Injection Control

B. Used Oil Recycling Activities

1. Used Oil Recycling Marketer
- ☐ a. Marketer Directs Shipment of Used Oil to Off-Specification Burner
- ☐ b. Marketer Who First Claims the Used Oil Meets the Specifications
2. Used Oil Burner - Indicate Type(s) of Combustion Device
- ☐ a. Utility Boiler
- ☐ b. Industrial Boiler
- ☐ c. Industrial Furnace
3. Used Oil Transporter - Indicate Type(s) of Combustion Device(s)
- ☐ a. Transporter
- ☐ b. Transfer Facility
4. Used Oil Processor/Re-refiner - Indicate Type(s) of Activity(ies)
- ☐ a. Process
- ☐ b. Re-refine

IX. Description of Regulated Wastes (Use additional sheets if necessary)

A. Characteristics of Nonlisted Hazardous Wastes. (Mark 'X' in the boxes corresponding to the characteristics of nonlisted hazardous wastes your installation handles; See 40 CFR Parts 261.20 - 261.24)

1. Ignitable (D001)

☐

2. Corrosive (D002)

☐

3. Reactive (D003)

☐

4. Toxicity Characteristic

☒

(List specific EPA hazardous waste number(s) for the Toxicity characteristic contaminant(s))

D004 D005 D006 D007

B. Listed Hazardous Wastes. (See 40 CFR 261.31 - 33; See instructions if you need to list more than 12 waste codes.)

1
7

2
8

3
9

4
10

5
11

6
12

C. Other Wastes. (State or other wastes requiring a handler to have an I.D. number; See instructions.)

1

2

3

4

5

6

X. Certification

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signature

Name and Official Title (Type or print)

Date Signed

[Signature]

Diane M. Sharrow USEPA

6/17/98

XI. Comments

These pages (2 of 3, and 3 of 3) constitute an amendment to the Notification form for EPA ID No. MIRO00030106. The wastes generated at this facility are

Note: Mail completed form to the appropriate EPA Regional or State Office. (See Section III of the booklet for addresses.)
Investigation Derived Wastes (IDW) from a U.S. EPA environmental investigation. The wastes may contain polychlorinated biphenyls (PCBs). The concentrations of PCBs is currently unknown.

ID - For Official Use Only

VIII. Type of Regulated Waste Activity (Mark 'X' in the appropriate boxes. Refer to Instructions)

A. Hazardous Waste Activity

1. Generator (See Instructions)
- ☐ a. Greater than 1000kg/mo (2,200 lbs.)
- ☐ b. 100 to 1000 kg/mo (220-2,200 lbs.)
- ☐ c. Less than 100 kg/mo (220 lbs.)
2. Transporter (Indicate Mode in boxes 1-5 below)
- ☐ a. For own waste only
- ☐ b. For commercial purposes

Mode of Transportation

- ☐ 1. Air
- ☐ 2. Rail
- ☐ 3. Highway
- ☐ 4. Water
- ☐ 5. Other - specify

- ☐ 3. Treater, Storer, Disposer (at installation) Note: A permit is required for this activity, see Instructions.
4. Hazardous Waste Fuel
- ☐ a. Generator Marketing to Burner
- ☐ b. Other Marketers
- ☐ c. Boiler and/or Industrial Furnace
- ☐ 1. Smelter Deferral
- ☐ 2. Small Quantity Exemption
- Indicate Type of Combustion Device(s)
- ☐ 1. Utility Boiler
- ☐ 2. Industrial Boiler
- ☐ 3. Industrial Furnace
- ☐ 5. Underground Injection Control

B. Used Oil Recycling Activities

1. Used Oil Recycling Marketer
- ☐ a. Marketer Directs Shipment of Used Oil to Off-Specification Burner
- ☐ b. Marketer Who First Claims the Used Oil Meets the Specifications
2. Used Oil Burner - Indicate Type(s) of Combustion Device
- ☐ a. Utility Boiler
- ☐ b. Industrial Boiler
- ☐ c. Industrial Furnace
3. Used Oil Transporter - Indicate Type(s) of Combustion Device(s)
- a. Transporter
- b. Transfer Facility
4. Used Oil Processor/Re-refiner - Indicate Type(s) of Activity(ies)
- ☐ a. Process
- ☐ b. Re-refine

IX. Description of Regulated Wastes (Use additional sheets if necessary)

A. Characteristics of Nonlisted Hazardous Wastes. (Mark 'X' in the boxes corresponding to the characteristics of nonlisted hazardous wastes your installation handles; See 40 CFR Parts 261.20 - 261.24)

1. Ignitable
(D001)☐2. Corrosive
(D002)☐3. Reactive
(D003)☐4. Toxicity
Characteristic☒

(List specific EPA hazardous waste number(s) for the Toxicity characteristic contaminant(s))

D008 D010 D011

B. Listed Hazardous Wastes. (See 40 CFR 261.31 - 33; See instructions if you need to list more than 12 waste codes.)

1
7

2
8

3
9

4
10

5
11

6
12

C. Other Wastes. (State or other wastes requiring a handler to have an I.D. number; See instructions.)

1

2

3

4

5

6

X. Certification

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signature

Name and Official Title (Type or print)

Date Signed

Diane M. Sharrow, USEPA

6/17/98

XI. Comments

Additional TC Waste Codes - see Page 2 of 3

Note: Mail completed form to the appropriate EPA Regional or State Office. (See Section III of the booklet for addresses.)

RECEIVEDDAILY CASE REPORT LOG

APR 01 1991

DATE: MARCH 27, 1991DAY OF WEEK: WEDNESDAYMANISTIQUE PAPERS, INC.
Manistique, Mich. 49854-0453PATROL SHIFT OFFICERS

SUPERVISOR/CAR#: _____

DISPATCHER: AHOOFFICER/CAR#: Sgt. Pat Rodman #107/36-1

OFFICER/CAR#: _____

OFFICER/CAR#: Ofc. ken Golat #114/36--3

OFFICER/CAR#: _____

SPECIAL SHIFT OFFICERS

OFFICER/CAR#: _____

ASSIGNMENT: _____

OFFICER/CAR#: _____

ASSIGNMENT: _____

NR=No Report NR Class: CLR=clear UNF=unfounded ADV=advised GOA=gone on arrival-officers

ORIGIN: TX=telephone AL=alarm FOP=found on patrol PN=person RA=radio LN=LEIN

CASE #	RECEIVED/ ASSIGNED	ARRIVED/ COMPLETED	ORIGIN	INCIDENT/LOCATION/INFORMATION/NR CLASS	OFFICER/S ASSIGNED
-----	1500/1500	1500/2300	PN	Sgt. Rodman on duty	107
-----	1500/1500	1500/2300	PN	Officer Golat on duty	114
-----	1500/1500	1500/2300	Pn	Dispatcher Aho on duty	Disp.
91-445					107
-----	2000/2000	2000/0400	PN	Officer Rogers on duty	115
91-446 N/R	2137/2137	2138/2140	RA	GARBAGE IN ROAD: 36-1 reports the same of the paper mills truck. Leaving a trail down Deer & Chippewa Street. ADV Paper Mill	107
91-447 N/R					me 107

State Police

ARM,

84-294-91

Mc Donough

LASSIA

DNR
MICHIGAN DEPARTMENT
OF NATURAL RESOURCES

DO NOT WRITE IN THIS SPACE
ATT. ☐ DIS. ☐ REJ. ☐ PR. ☐

Regulated under authority of Act 34, PA
1975 as amended and Act 136, PA
1989

Failure to file is punishable under
section 299.546 MCL or Section 10
Act 136, PA 1989

Please print or type

Form Approved OMB No 2050-0039 Expires 5-30-90

**UNIFORM HAZARDOUS
WASTE MANIFEST**

1. Generator's US EPA ID No

Manifest
Document No

2 Page 1
of 1

Information in the shaded areas
is not required by Federal
law

3. Generator's Name and Mailing Address

H.K. Porter Company, Inc.
Hopewell Dump Site (Hopewell Twp)

A. State Manifest Document Number
MI 2738907

B. State Generator's ID

4. Generator's Phone (412) 378-1966

Hopewell, PA 16650

5. Transporter 1 Company Name

US EPA ID Number

C. State Transporter's ID

6. Transporter 1 Company Name

US EPA ID Number

D. Transporter's Phone (412) 378-1966

7. Transporter 2 Company Name

US EPA ID Number

E. State Transporter's ID

9. Designated Facility Name and Site Address

US EPA ID Number

F. Transporter's Phone

Michigan Disposal Inc.
49350 N. I-94 Service Drive
Bellville, MI 48111

(313) 697-7830

H. Facility's Phone

11. US DOT Description (including Proper Shipping Name, Hazard Class, and
HM ID NUMBER)

12 Containers

13
Total
Quantity

14
Unit
Wt/Vol

I. Waste
No.

N/H

a. X RQ, Hazardous Waste Solid, N.O.S.
ORM-E NA9189 (D008) (Lead) (Cadmium)

No	Type	Quantity	Unit Wt/Vol	Waste No.	N/H
01011	DIT	11	Y	D101018	H

J. Additional Descriptions for Materials Listed Above

A. Emergency Response Book Page Number 31
Emergency Number: John Tiani (412) 378-1966
Also D006
ARMA # 3152 MC

K. Handling Codes for Wastes
Listed Above

a/ /
b/ /
c/ /
d/ /

15. Special Handling Instructions and Additional Information

Return Manifest to: H.K. Porter, Porter Bldg., Pittsburgh, PA 15219 (L.E. Moncrief)

16. GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national government regulations.

If I am a large quantity generator, I certify that I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and that I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment; OR, if I am a small quantity generator, I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford.

Printed/Typed Name

Signature

Date
Month Day Year
03/18/92

17. Transporter 1 Acknowledgement of Receipt of Materials

Printed/Typed Name

Signature

Date
Month Day Year
03/18/92

18. Transporter 2 Acknowledgement or Receipt of Materials

Printed/Typed Name

Signature

Date
Month Day Year

19. Discrepancy Indication Space

(31,220)

20. Facility Owner or Operator. Certification of receipt of hazardous materials covered by this manifest except as noted in Item 19

Printed/Typed Name

Signature

Date
Month Day Year

ALL SPILLS MUST BE REPORTED TO THE MICHIGAN POLLUTION EMERGENCY ALERTING SYSTEM, IN MICHIGAN AT 1-800-292-4706 OR OUT OF STATE AT 517-373-7660 AND THE NATIONAL RESPONSE CENTER AT 1-800-424-6803 24 HOURS PER DAY.

DNR
MICHIGAN DEPARTMENT
OF NATURAL RESOURCES

ATT. ☐ DIS. ☐ REJ. ☐ PR. ☐

Required under authority of Act 54, P.A. 1979, as amended and Act 136, P.A. 1989

Failure to file is punishable under section 299.54B MCL or Section 10 of Act 136, P.A. 1989

Form Approved OMB No. 2050-0039 Expires 9-30-91

Please print or type

UNIFORM HAZARDOUS
WASTE MANIFEST

1. Generator's US EPA ID No

Manifest Document No

2. Page 1 of 1

Information in the shaded areas is not required by Federal law

3. Generator's Name and Mailing Address

Youngstown Hard Chrome
8451 Southern Blvd., Youngstown, Ohio 44512

A. State Manifest Document Number

MI 2429999

B. State Generator's ID

4. Generator's Phone (216) 758-9721

5. Transporter 1 Company Name

Enviroco Transportation, Inc.

6. US EPA ID Number

01H1D10141512110151918

C. State Transporter's ID

D. Transporter's Phone (216) 427-2778

7. Transporter 2 Company Name

8. US EPA ID Number

E. State Transporter's ID

F. Transporter's Phone

9. Designated Facility Name and Site Address

Michigan Disposal
49350 N. I-94 Service Drive
Belleville, MI. 48111

10. US EPA ID Number

MI1A101010171214181311

G. State Facility's ID

H. Facility's Phone

(313) 697-7830

11. US DOT Description (including Proper Shipping Name, Hazard Class, and HM ID NUMBER)

12. Containers
No. Type

13. Total Quantity

14. Unit Mt/Vol

I. Waste No.

N/H

a. X R.Q. Hazardous Waste Solid, N.O.S.
ORM-E NA9189 (D002, D007)

0 0 1

GM

60010

Y

D 0 0 7

H

J. Additional Descriptions for Materials Listed Above

Additional waste #D002

Approval #MF-100291

(Scrap chrome acid plating tank)

K. Handling Codes for Wastes Listed Above

a/ /

b/ /

c/ /

d/ /

15. Special Handling Instructions and Additional Information

Emergency contact: Matt Smith (216) 758-9721...Emergency response guide #31.

16. GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national government regulations.

If I am a large quantity generator, I certify that I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and that I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment. OR, if I am a small quantity generator, I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford.

Printed/Typed Name

DANIEL J. MCCARTHY

Signature

Daniel J. McCarthy Vice Pres.

Date

Month Day Year

11/02/91

17. Transporter 1 Acknowledgement of Receipt of Materials

Printed/Typed Name

JOHN H BARNES

Signature

John H Barnes

Date

Month Day Year

11/02/91

18. Transporter 2 Acknowledgement of Receipt of Materials

Printed/Typed Name

Signature

Month Day Year

11/02/91

19. Discrepancy Indication Space

20. Facility Owner or Operator Certification of receipt of hazardous materials covered by this manifest except as noted in item 19

Printed/Typed Name

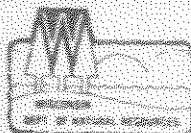
Signature

Date

Month Day Year

11/02/91

ALL INFORMATION MUST BE REPORTED TO THE MICHIGAN POLLUTION EMERGENCY ALERTING SYSTEM, IN MICHIGAN AT 1-800-292-4706 OR OUT OF STATE AT 517-373-7660 AND THE NATIONAL RESPONSE CENTER AT 1-800-424-6802 24 HOURS PER DAY



STATE OF WISCONSIN
Chapter 144, Wis. Stats.
Form 4400-66

Rev. 7-87

State of Wisconsin
Department of Natural Resources
Bureau of Solid Waste Mgt.
Box 8094
Madison, Wisconsin 53708

FOR DNR USE ONLY

5-176-01

Please print or type. Form designed for use on elite (12-pitch) typewriter.

Form Approved. OMB No. 2050-0039. Expires 9-30-88

UNIFORM HAZARDOUS WASTE MANIFEST		1. Generator's US EPA ID No. MI0000007988	Manifest Document No. 66339	2. Page 1 of 1	Information in the shaded areas is not required by Federal law.
3. Generator's Name and Mailing Address MANISTIQUE PAPER 453 S MACKINAC AVE MANISTIQUE MI 49854-0309			6. US EPA ID Number WID981187297		A. State Manifest Document Number WI 0063261
4. Generator's Phone (906) 341-2175			7. US EPA ID Number		B. State Generator's ID
5. Transporter 1 Company Name SAFETY-KLEEN CORP.			8. US EPA ID Number		C. State Transporter's ID
7. Transporter 2 Company Name			9. US EPA ID Number		D. Transporter's Phone 414 766-4266
9. Designated Facility Name and Site Address SAFETY-KLEEN CORP. 2100 BADGER ROAD KAUKAUNA WI 54130			10. US EPA ID Number WID981187297		E. State Transporter's ID
					F. Transporter's Phone
					G. State Facility's ID
					H. Facility's Phone 414 766-4266
11. US DOT Description (Including Proper Shipping Name, Hazard Class, and ID Number)		12. Containers No. Type	13. Total Quantity	14. Unit Wt/Vol	15. Waste No.
a. WASTE PETROLEUM NAPHTHA, COMBUSTIBLE LIQUID UN1255 (EPA D001) 501		3 DM	120	P	D001 H
b.					
c.					
d.					
J. Additional Descriptions for Materials Listed Above			K. Handling Codes for Wastes Listed Above		
16. Special Handling Instructions and Additional Information ITEM 6 MI/ILD051060408 8910 04458915 566339 5-176-01-5079 10					
18. GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national governmental regulations and according to the requirements of the Wisconsin Department of Natural Resources. If I am a large quantity generator, I also certify that I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment.					
OR, I am a small quantity generator. I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford.					
Printed/Typed Name & Position Title Nick Franchovich		Signature [Signature]		Date 03/01/88	
17. TRANSPORTER 1 Acknowledgement of Receipt of Materials Printed/Typed Name & Position Title E. J. Hawley		Signature [Signature]		Date 03/01/88	
18. TRANSPORTER 2 Acknowledgement of Receipt of Materials Printed/Typed Name & Position Title		Signature		Date	
19. Discrepancy Indication Space					
20. FACILITY OWNER OR OPERATOR: Certification of receipt of hazardous materials covered by this manifest except as noted in Item 19.					
Printed/Typed Name & Position Title		Signature		Date	

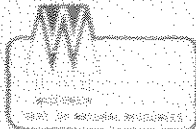
EPA Form 4400-66 (Rev. 8-86) Previous editions are obsolete.

Copy Distribution: 1 - Wis. DNR 4 - Facility

Emergency 24 Hour Assistance Telephone Number
In Wisconsin (608) 266-3333
Outside Wisconsin (800) 424-6862

2 - Generator 3 - Generator
3 - Wis. DNR 5 - Transporter
Copies 1 & 2 mail to Wis. DNR at above address

COPY 1 -
GENERATOR SEND TO DNR



S
Ch
Form 4400-66

5-176-01

FOR DNR USE ONLY

Please print or type. Form designed for use on:

Form approved: DNR No. 2050-0039. Expires 9-

UNIFORM HAZARDOUS WASTE MANIFEST

HTG 000007988

Manifest
ment No.

2. Page 1
of 1

Information in the shaded area
is not required by Federal law

3. Generator's Name and Mailing Address

MANISTIQUE PAPERS

ATTN JIM COOK

MANISTIQUE

453 S MACKINAC AVE

MI 49854

4. Generator's Phone 906 341-2175

5. Transporter 1 Company Name

SAFETY-KLEEN CORP.

7. Transporter 2 Company Name

6. US EPA ID Number

WID 981187297

8. US EPA ID Number

10. US EPA ID Number

WID 981187297

A. State Manifest Document Number

WI 0034249

B. State Generator's ID

C. State Transporter's ID

D. Transporter's Phone 414 766-4

E. State Transporter's ID

F. Transporter's Phone

G. State Facility's ID

H. Facility's Phone 414 766-426

11. US DOT Description (Including Proper Shipping Name, Hazard Class, and ID Number)

WASTE PETROLEUM NAPHTHA
COMBUSTIBLE LIQUID UN1255 (EPA D001)

12. Containers
No. Type

004 DN

13. Total
Quantity

00262

14. Unit
Weight

P

1. Waste No.

D001

NOTICE: IN ACCORDANCE WITH 40 CFR 268.7, THE GENERATOR PROVIDES NOTICE
THAT THE WASTE DESCRIBED AS 'WASTE PETROLEUM NAPHTHA' IS A
RESTRICTED WASTE. THE WASTE CONTAINS THE FOLLOWING CONSTITUENTS WHOSE

2. A. ~~ACRYLONITRILE, HALOGENATED AROMATIC AMIDES, TOTAL HALOGENATED ORGANIC
COMPOUNDS (1000 MG/L); LEAD (500 MG/L).~~

K. Handling Codes for Wastes Listed Above

15. Special Handling Instructions and Additional Information

ITEM 6 RI/ILDO51060408

8942 09843780 998734 5-176-01-5079 10

SKDOT: A:

501 B:

C:

D:

16. GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national governmental regulations and according to the requirements of the Wisconsin Department of Natural Resources. If I am a large quantity generator, I also certify that I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment.

17. If I am a small quantity generator, I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford.

Printed/Typed Name & Position Title

JAN REQUE SIOGECOM

Signature

JAN REQUE

Date

10/1/88

17. TRANSPORTER'S Acknowledgment of Receipt of Materials

Printed/Typed Name & Position Title

ELI L. CHARTY SR

Signature

ELI L. CHARTY SR

Date

10/1/88

18. TRANSPORTER'S Acknowledgment of Receipt of Materials

Printed/Typed Name & Position Title

Signature

19. Temporary Instruction Space

20. FACILITY OFFER OF OPERATIONS: Confirmation of receipt of hazardous materials received by this manifest except as noted on Page 19

Printed/Typed Name & Position Title

Signature

21. A. From What is the waste generated and where is it stored?

22. How is the waste stored?

23. How is the waste handled?

24. How is the waste disposed?

Emergency or Other Assistance Telephone Number:

In Wisconsin:

800 368-6271

Outside Wisconsin:

800 455-6871

Form 4400-66, Rev. 10/87, is the official version.



Chapter 144, W
Form 4400-05

5-176-01

FOR DNR USE ONLY

050-0039 Expires

Please print or type. Form d

UNIFORM HAZARDOUS WASTE MANIFEST

1. GENERATOR'S USE ONLY NO.

WTC 000007988

Document No.
4 2 9 7

2. Page 1
of 1

Information in the shade
is not required by Federal

3. Generator's Name and Mailing Address
MANISTIQUE PAPERS

4. ADDRESS BOOK () 453 S. HACKINAC AVE
5. MANISTIQUE Company Name HI 49854
906 341-2175

7. Transporter 1 Company Name
SAFETY-KLEEN CORP.

9. Designated Facility Name and Site Address

SAFETY-KLEEN CORP. 5-176-01
2100 BADGER ROAD

11. KAUWAU, WI 54130

9. US EPA ID Number

8. US EPA ID Number
WID 981187297

10. US EPA ID Number

A. State Manifest Document Number
WI 023438

B. State Generator's ID

C. State Transporter's ID

D. Transporter's Phone

E. State Transporter's ID

F. Transporter's Phone 814 766

G. State Facility's ID

H. Facility's Phone

12. Container Description including Proper Shipping Name, Hazard Class, and ID Number

13. Containers
No. Type 14. Total Quantity 15. Umt WeVd 766-42

WASTE PETROLEUM NAPHTHA
COMBUSTIBLE LIQUID UN1255 (EPA D001)

0.03 DM 0021.7 P D00

NOTICE: IN ACCORDANCE WITH 40 CFR 268.7, THE GENERATOR PROVIDES NOTICE
RESTRICTED WASTE. THE WASTE CONTAINS THE FOLLOWING CONSTITUENTS WHOSE
TREATMENT STANDARDS ARE NOTED: TOTAL HALOGENATED ORGANIC
COMPOUNDS (1000 MG/L); LEAD (500 MG/L)

15. Special Handling Instructions and Additional Information

K. Handling Codes for Wastes Listed

8950 11298892 604297 5-176-01-5079 10

ITEM 5 HI/ILD051/60408

16. GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national governmental regulations and according to the requirements of the Wisconsin Department of Natural Resources. If I am a large quantity generator, I also certify that I have a program in place to reduce the volume and toxicity of waste generated to degree I have determined to be economically practicable and I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment.

OR, if I am a small quantity generator, I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford.

Printed/Typed Name & Position Title

John M. Kiefer

Signature

John Kiefer

Date
Month Day Year
12 11 97

17. TRANSPORTER 1 Acknowledgment of Receipt of Materials

Printed/Typed Name & Position Title

Edward J. Huntroy

Signature

Edward J. Huntroy

Date
Month Day Year
12 11 97

18. TRANSPORTER 2 Acknowledgment of Receipt of Materials

Printed/Typed Name & Position Title

Signature

Date
Month Day Year

19. Emergency Notification Name

20. FACILITY OWNER OR OPERATOR Certification of receipt of hazardous materials covered by this manifest except as noted in Item 18

Printed/Typed Name & Position Title

Signature

EPA Form 4400-05 (Rev. 9-86) Previous editions are obsolete.

Usage Instructions: 1 - Generator used to WIS 2005
2 - Generator used to WIS 2005
3 - Facility used to WIS 2005
4 - Facility used to WIS 2005
5 - Facility used to WIS 2005

Emergency 24 Hour Response Telephone Number
In Wisconsin: 800-355-5512
Outside Wisconsin: 800-355-5512



MICHIGAN DEPARTMENT
OF NATURAL RESOURCES

DO NOT WRITE IN THIS SPACE
ATT. ☐ DIS. ☐ REJ. ☐

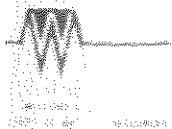
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Failure to file is punishable under
section 299.546 MCL or Section 10 of
Act 136, P.A. 1989.

Please print or type

Form Approved OMB No. 2000-0404, Expires 7-31-85

UNIFORM HAZARDOUS WASTE MANIFEST		Generator's US EPA ID No.	Manifest Document No.	2 Page 1 of 1	Information in the shaded areas is not required by Federal law.		
3. Generator's Name and Mailing Address SAFETY-KLEEN CORP. 1400 SARGENT ROAD AUBURN HILLS MI 48324		4. Generator's Phone (313) 211-1111	5. US EPA ID Number MI1010069	6. State Manifest Document Number MI1010069	7. State Generator's ID MI000000000000		
8. Transporter 1 Company Name SAFETY-KLEEN CORP.		9. US EPA ID Number MI1010069	10. State Transporter's ID MI000000000000	11. Transporter's Phone (313) 211-1111	12. State Transporter's ID MI000000000000		
13. Designated Facility Name and Site Address SAFETY-KLEEN CORP. 1400 SARGENT ROAD AUBURN HILLS MI 48324		14. US EPA ID Number MI1010069	15. State Facility's ID MI000000000000	16. Facility's Phone (313) 211-1111	17. State Facility's ID MI000000000000		
18. US DOT Description (including Proper Shipping Name, Hazard Class, and ID NUMBER)		19. Containers No.	20. Type	21. Total Quantity	22. Unit Wt/Vol	23. Waste No.	24. N/H
a. HAZARDOUS WASTE, CORROSIVE, LIQUID, N.O.S.		1	0	1.5	5.0	0001	H
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5-176-01

FOR USE ONLY

Please print or type. Form design:

Expires 9-30-88

**UNIFORM HAZ/
WASTE MANIFEST**

WID0000007988

Document No.

0 7 5 5 6

A STATE LABEL WHICH IN THE SHADED AREA IS NOT REQUIRED BY FEDERAL LAW

3. Generator's Name and Mailing Address

MANISTIQUE PAPERS
453 S MACKINAC AVE
MANISTIQUE MI 49854-0309

4. Generator's Phone (906) 341-2175

5. Transporter 1 Company Name

SAFETY-KLEEN CORP.

7. Transporter 2 Company Name

9. Designated Facility Name and Site Address

SAFETY-KLEEN CORP. 5-176-01
2100 BADGER ROAD
KAUKAUNA WI 54130

6. US EPA ID Number

WID981187297

8. US EPA ID Number

10. US EPA ID Number

WID981187297

A. State Manifest Document Number

WI 000 65195

B. State Generator's ID

C. State Transporter's ID

D. Transporter's Phone 414 766-4266

E. State Transporter's ID

F. Transporter's Phone

G. State Facility's ID

H. Facility's Phone

414 766-4266

11. US DOT Description (Including Proper Shipping Name, Hazard Class, and ID Number)

WASTE PETROLEUM NAPHTHA
COMBUSTIBLE LIQUID UN1255 (EPA D001) 501

12. Containers
No. Type

3 DM

13. Total
Quantity

131

14. Unit
wt/vol

P

15. Waste No.

D001 H

1. Additional Descriptions for Materials Listed Above

K. Handling Codes for Wastes Listed Above

16. Special Handling Instructions and Additional Information

ITEM 6 MI/ILD051060408

8918 05739065 207556 5-176-01-5079 10

18. GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national governmental regulations and according to the requirements of the Wisconsin Department of Natural Resources. If I am a large quantity generator, I also certify that I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment.

OR, if I am a small quantity generator, I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford.

Printed/Typed Name & Position Title

Robert Beusch Construction Svc.

Signature

Robert Beusch

Date

050389

19. TRANSPORTER 1 Acknowledgment of Receipt of Materials

Printed/Typed Name & Position Title

ED AWKEY ISK

Signature

Ed Awkey

Date

0510389

20. TRANSPORTER 2 Acknowledgment of Receipt of Materials

Printed/Typed Name & Position Title

Robert Beusch Construction Svc.

Signature

Robert Beusch

Date

21. Generator's Signature

Generator signed on line 18 by mistake

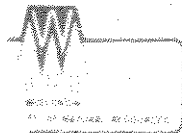
22. FACILITY OWNER OR OPERATOR: Certification of receipt of hazardous materials covered by this manifest except as noted in Item 18.

Printed/Typed Name & Position Title

Signature

Date

USE INSTRUCT.



Chapter 14² Wis. Stat.
Form 4400

5-

NR USE ONLY

Please print or type. Form designed for use on elite (12-pi)

Form Approved OMB No. 2050-0039 Expires 9-30-

UNIFORM HAZARDOUS WASTE MANIFEST		1. Manifest Document No. MIC000007988	2. Page 1 of 1	Information in the shaded area is not required by Federal law.	
3. Generator's Name and Mailing Address MANISTIQUE PAPERS 453 S MACKINAC AVE MANISTIQUE MI 49854-0309			A. State Manifest Document Number WI 800 70836		
4. Generator's Phone (906 341-2175			B. State Generator's ID		
5. Transporter 1 Company Name SAFETY-KLEEN CORP.		6. US EPA ID Number WID981187297	C. State Transporter's ID		
7. Transporter 2 Company Name		8. US EPA ID Number	D. Transporter's Phone 414 766-42		
9. Designated Facility Name and Site Address SAFETY-KLEEN CORP. 5-176-01 2100 BADGER ROAD KAUKAUNA WI 54130		10. US EPA ID Number WID981187297	E. State Transporter's ID		
			F. Transporter's Phone		
			G. State Facility's ID		
			H. Facility's Phone 414 766-4266		
11. US DOT Description (Including Proper Shipping Name, Hazard Class, and ID Number)		12. Containers No. Type	13. Total Quantity	14. Unit Wt/Vol	15. Waste No.
a. WASTE PETROLEUM NAPHTHA COMBUSTIBLE LIQUID UN1255 (EPA D001) 501		3 DM	1,76	P	D001
b.					
c.					
d.					
J. Additional Descriptions for Materials Listed Above			K. Handling Codes for Wastes Listed Above		

15. Special Handling Instructions and Additional Information

8926 07075930 798408 5-176-01-5079 10

ITEM 6 MI/ILD051060408

16. GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national governmental regulations and according to the requirements of the Wisconsin Department of Natural Resources. If I am a large quantity generator, I also certify that I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment.

OR, if I am a small quantity generator, I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford.

Printed/Typed Name & Position Title

MARK BEAUDE

Signature

Mark Beaudre

Date

Month Day Year
06 23 88

TRANSPORTER 1 Acknowledgement of Receipt of Materials

Printed/Typed Name & Position Title

ED RAYTRAY ISR

Signature

Ed Raytray

Date

Month Day Year
06 23 88

TRANSPORTER 2 Acknowledgement of Receipt of Materials

Printed/Typed Name & Position Title

Signature

Date

Month Day Year

17. Discrepancy Indication Space

18. FACILITY OWNER OR OPERATOR: Certification of receipt of hazardous materials covered by this manifest except as noted in Item 15.

Printed/Typed Name & Position Title

Signature

Date

Month Day Year

EPA Form 4400-22 (Rev. 9-88) Previous editions are obsolete

Copies Distribution: 1 - Ws. DNR 4 - Facility

Emergency 24 Hour American Telephone Number

To Wisconsin: 800 368-6000

Outside Wisconsin: 800 424-6000

1 - Generator 2 - Transporter

1 - Ws. DNR 4 - Transporter

Copies 1 & 2 mail to Ws. DNR at above address

SEE INSTRUCTION



ST.
Chapter 140
Form 4400-1

FOR DNR USE ONLY

UNIFORM HAZARDOUS
WASTE MANIFEST

1. Generator's US EPA ID No.

MTG0000007988

Manifest
Document No.

917141316

2. Page 1
of 1Information in the shaded areas
is not required by Federal law

3. Generator's Name and Mailing Address

MANISTIQUE PAPERS
453 S MACKINAC AVE
MANISTIQUE

PO BOX 309
MI 49854-0309

4. Generator's Phone (906) 341-2175

A. State Manifest Document Number

WI 0047283

B. State Generator's ID

5. Transporter 1 Company Name

SAFETY-KLEEN CORP.

6. US EPA ID Number

WID981187297

C. State Transporter's ID

7. Transporter 2 Company Name

8. US EPA ID Number

D. Transporter's Phone 414 766-4266

E. State Transporter's ID

9. Designated Facility Name and Site Address

SAFETY-KLEEN CORP.
2100 BADGER ROAD
KAUKAUNA WI 54130

5-176-01

10. US EPA ID Number

WID981187297

G. State Facility's ID

H. Facility's Phone 414 766-4266

11. US DOT Description (Including Proper Shipping Name, Hazard Class, and ID Number)

12. Containers
No. Type13. Total
Quantity14. Unit
wt/vol

15. Waste No.

a. WASTE PETROLEUM NAPHTHA
COMBUSTIBLE LIQUID UN1255 (EPA D001) 501

4

DM

262

P

D001

4

J. Additional Descriptions for Materials Listed Above

K. Handling Codes for Wastes Listed Above

15. Special Handling Instructions and Additional Information

8934 08425316 397436 5-176-01-5079 10

ITEM 6 MI/LLD051060408

16. GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national governmental regulations and according to the requirements of the Wisconsin Department of Natural Resources. If I am a large quantity generator, I also certify that I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment.

OR, if I am a small quantity generator, I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford.

Printed/Typed Name & Position Title

Signature

BEAUT TAYLOR MGR SUPV

Beaut Taylor

Date

8/23/89

17. TRANSPORTER 1 Acknowledgement of Receipt of Materials

Printed/Typed Name & Position Title

Signature

Edward C. Huntley

Edward C. Huntley

Date

08/23/89

18. TRANSPORTER 2 Acknowledgement of Receipt of Materials

Printed/Typed Name & Position Title

Signature

Date

Month Day Year

19. Discrepancy Indication Space

20. FACILITY OWNER OR OPERATOR. Certification of receipt of hazardous materials covered by this manifest except as noted in Item 19.

Printed/Typed Name & Position Title

Signature

Date

Month Day Year

EPA Form 4000-10-89. (2000) Previous editions are obsolete.

Generator send to WIS DNR

Facility retain

Facility send to DNR

Wisconsin DNR Assistance Telephone Number:

In Wisconsin 800 255-7272

Outside Wisconsin 800 255-7272

Generator send to WIS DNR

Facility send to WIS DNR

Facility send to DNR

Transporter retain

GENERATOR	MANIFEST	COPY	SHIP/RCVD DATE	MAKER	TSD	CURRICULO	WCODE	W	VAL	LB	CUB
MID981192081	MI2394819	TSD	10/31/1991		OH0020273819	07100277	K062	M	4800 0	0 0	0 0
	MI2394820	TSD	10/31/1991		OH0020273819	06290875	K062	M	4800 0	0 0	0 0
	MI2394821	TSD	11/02/1991		OH0020273819	06311518	K062	M	4800 0	0 0	0 0
	MI2394822	TSD	11/02/1991		OH0020273819	06311516	K062	M	3700 0	0 0	0 0
	MI2394823	TSD	10/25/1991		OH0020273819	06290882	K062	M	4200 0	0 0	0 0
	MI2394824	TSD	11/04/1991		OH0020273819	06401028	K062	M	4184 0	0 0	0 0
	MI2394825	TSD	11/05/1991		OH0020273819	06401029	K062	M	4500 0	0 0	0 0
	MI2394826	TSD	11/08/1991		OH0020273819	06281000	K062	M	4800 0	0 0	0 0
	MI2394827	TSD	11/08/1991		OH0020273819	06331869	K062	M	4800 0	0 0	0 0
	MI2394829	TSD	11/11/1991		OH0020273819	06331871	K062	M	4800 0	0 0	0 0
	MI2394830	TSD	11/11/1991		OH0020273819	06331870	K062	M	4800 0	0 0	0 0
	MI2394850	GEN	10/09/1991	IL099202681	OH0020273819	06271566	K062	M	4508 0	0 0	0 0
		TSD	10/10/1991		OH0020273819	06271561	K062	M	4500 0	0 0	0 0
	MI2394889	TSD	10/11/1991		OH0020273819	06271560	K062	M	4300 0	0 0	0 0
	MI2394890	TSD	10/12/1991		OH0020273819	06271558	K062	M	4900 0	0 0	0 0
	MI2394891	TSD	10/14/1991		OH0020273819	06271565	K062	M	4100 0	0 0	0 0
	MI2394892	TSD	10/15/1991		OH0020273819	06271568	K062	M	4800 0	0 0	0 0
	MI2394896	TSD	10/11/1991		OH0020273819	06271555	K062	M	4480 0	0 0	0 0
	MI2394899	TSD	10/11/1991		OH0020273819	06271556	K062	M	4400 0	0 0	0 0
	MI2394900	TSD	10/14/1991		OH0020273819	06271564	K062	M	4800 0	0 0	0 0
	MI2394906	GEN	03/06/1991	IL0051060408	IL0980613913	06030182	F001	M	823 0	0 0	0 0
		TSD	03/08/1991		IL0980613913	05893687	F001	M	825 0	0 0	0 0
	MIJ0101289	TSD	03/08/1991		WID981187297	06132144	D001	M	0 0	103 0	0 0
	MIJ0126244	TSD	05/03/1991		WID981187297	06000227	D001	M	0 0	389 0	0 0
	MIJ0130500	TSD	06/22/1991		WID981187297	06930642	D001	M	0 0	389 0	0 0
	MIJ0144498	TSD	06/26/1991		WID981187297	06402218	D001	M	0 0	103 0	0 0
	MIJ0130003	GEN	10/16/1991	WID981187297	WID981187297	06403436	D001	M	0 0	403 0	0 0
		TSD	10/16/1991		WID981187297	06363768	D001	M	0 0	403 0	0 0

05/07/1994

MANIFEST DETAIL REPORT - CALLED ON YEAR 1994

GENERAL	MANIFEST	COPY	SHIP RCNO DATE	HAULER	TSO	CURRICRO	R	WCODE	M	CAL	LB	CURD
MID981192428	WI0229443	GEN	12/12/1991	WID981187297	WID981187297	06751860		D001	M	0.0	361.0	0.0
	WI0101289	GEN	03/06/1991	WID981187297	WID981187297	06250177		D001	M	0.0	303.0	0.0
	WI0104787	GEN	01/10/1991	WID981187297	WID981187297	05913372		D001	M	0.0	217.0	0.0
		TSD	01/10/1991	WID981187297	WID981187297	05912316		D001	M	0.0	217.0	0.0
	WI0126244	GEN	05/03/1991	WID981187297	WID981187297	06480241		D001	M	0.0	369.0	0.0
	WI0130500	GEN	08/22/1991	WID981187297	WID981187297	06470009		D001	M	0.0	369.0	0.0
MID981192776	WI2103635	GEN	04/03/1991	WID087478574	MID057002602	05892704		F005	M	969.0	0.0	0.0
		TSD	04/03/1991	WID057002602	WID057002602	06071274		F005	M	969.0	0.0	0.0
	WI2113860	GEN	04/01/1991	WID985569474	MID006523385	05790741		F003	M	800.0	0.0	0.0
		TSD	04/01/1991	WID006523385	MID006523385	06102162		F003	M	800.0	0.0	0.0
	WI2155636	GEN	08/28/1991	MID087478574	MID057002602	06093462		F005	M	1456.0	0.0	0.0
		TSD	08/28/1991	MID057002602	MID057002602	06142814		F005	M	1456.0	0.0	0.0
	WI2175070	GEN	08/15/1991	MID985569474	MID006523385	06061866		F003	M	800.0	0.0	0.0
		TSD	08/15/1991	MID006523385	MID006523385	06230432		F003	M	800.0	0.0	0.0
MID981193999	WI0107367	TSD	03/06/1991	WID981187297	WID981187297	06132138		F005	M	0.0	123.0	0.0
	WI0126512	TSD	05/01/1991	WID981187297	WID981187297	06000208		F005	M	0.0	123.0	0.0
	WI0143042	TSD	07/31/1991	WID981187297	WID981187297	06280152		D001	M	0.0	86.0	0.0
	WI0149437	TSD	05/07/1991	WID981187297	WID981187297	06732782		D001	M	0.0	86.0	0.0
	WI0228386	TSD	12/04/1991	WID981187297	WID981187297	06640873		F002	M	0.0	86.0	0.0
	WI0128461	TSD	10/16/1991	WID981187297	WID981187297	06363765		F005	M	0.0	123.0	0.0
	WI0186673	TSD	10/22/1991	WID981187297	WID981187297	06262130		D001	M	0.0	86.0	0.0
	WI0229747	GEN	12/11/1991	WID981187297	WID981187297	06413260		F005	M	0.0	57.0	0.0
	WI0103671	TSD	01/09/1991	WID981187297	WID981187297	05770198		F005	M	0.0	123.0	0.0
	WI0104200	TSD	01/02/1991	WID981187297	WID981187297	05752171		D001	M	0.0	86.0	0.0
	WI0112239	TSD	03/27/1991	WID981187297	WID981187297	05693856		D001	M	0.0	86.0	0.0
	WI0126512	TSD	05/01/1991	WID981187297	WID981187297	05672556		F005	M	0.0	123.0	0.0
	WI0131507	GEN	08/21/1991	WID981187297	WID981187297	06163936		F005	M	0.0	123.0	0.0
	WI0132870	TSD	09/11/1991	WID981187297	WID981187297	06170585		D001	M	0.0	86.0	0.0

07/07/1994 12:03:56

SEE IN



Form desig

res 9-30-94

UNIFORM HAZARDOUS WASTE MANIFEST		1. Generator's US EPA ID No. WID 981187297	Document No. 18367	of	is not required by Federal law.
3. Generator's Name and Mailing Address MANISTIQUE PAPERS 453 S MACKINAC AVE MANISTIQUE MI 49854		Site Location If Different		A. State Manifest Document Number WI 589733	
4. Generator's Phone (906) 341-2175				B. State Generator's ID	
5. Transporter 1 Company Name SAFETY-KLEEN CORP.	6. US EPA ID Number WID 981187297	C. State Transporter's ID		D. Transporter's Phone (414) 266-4266	
7. Transporter 2 Company Name	8. US EPA ID Number	E. State Transporter's ID		F. Transporter's Phone	
9. Designated Facility Name and Site Address SAFETY-KLEEN CORP. 517601 2100 BADGER ROAD KAUWAUNA, WI 54130	10. US EPA ID Number WID 981187297	G. State Facility's ID		H. Facility's Phone (414) 266-4266	
11. US DOT Description (Including Proper Shipping Name, Hazard Class, and ID Number)		12. Containers No. Type	13. Total Quantity	14. Unit Wt/Vol	15. Waste No.
a. WASTE COMBUSTIBLE LIQUID, N.O.S. (PETROLEUM NAPHTHA) NA1993 PG11(D001)		004	00044	6	H
b. WASTE COMBUSTIBLE LIQUID, N.O.S. (PETROLEUM NAPHTHA) NA1993 PG11(D001)		007	00111	6	H
c. WASTE COMBUSTIBLE LIQUID, N.O.S. (PETROLEUM NAPHTHA) NA1993 PG11(D001)					
d.					
J. Additional Descriptions for Materials Listed Above		K. Handling Codes for Wastes Listed Above			
I(A) D039 D018 (A) D006, D008, D035, D040, 6.7HS					
I(B) D039 D018 (B) D006, D008, D035, D040, 6.7HS					
15. Special Handling Instructions and Additional Information ITEM 6 MI/ILD051060400 EMERGENCY RESP# 708-4660 24 HR BK00072 A		9501 76278266 7/8/97 1-1/6-01-007-10			
16. GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national governmental regulations and according to the requirements of the Wisconsin Department of Natural Resources. If I am a large quantity generator, I also certify that I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment;					
OR, if I am a small quantity generator, I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford.					
Printed/Typed Name & Position Title TAN REDUE STORE		Signature [Signature]		Date 11/14/95	
17. TRANSPORTER 1 Acknowledgement of Receipt of Materials		Signature [Signature]		Date 11/14/95	
Printed/Typed Name & Position Title Edward C Hawtrey ISR		Signature [Signature]		Date 11/14/95	
18. TRANSPORTER 2 Acknowledgement of Receipt of Materials		Signature [Signature]		Date 11/14/95	
Printed/Typed Name & Position Title		Signature		Date	
19. Discrepancy Indication Space					
FACILITY OWNER OR OPERATOR: Certification of receipt of hazardous materials covered by this manifest except as noted in Item 19.					
Printed/Typed Name & Position Title [Signature]		Signature [Signature]		Date 11/14/95	

EPA Form 8700-22 (Rev. 9-88) Previous editions are obsolete.

Copy Distribution: 1 - Generator send to Wis. DNR
2 - Generator retain
3 - Facility send to Wis. DNR
Copies 1 & 3 mail to Wis. DNR at above address.

4 - Facility retain
5 - Facility send to Genera
6 - Transporter retain

Emergency 24 Hour Assistance Telephone Number

In Wisconsin (608) 266-3232

Outside Wisconsin (800) 424-8802

FACILITY SEND TO WIS. DNR

SEE INSTRUCTIONS ON REVERS.



STATE OF W.
Chapter 144, Wis. Stat.
Form 4800-06P

Department of Natural Resources
Bureau of Solid Waste Mgt.
Box 8094
Madison, Wisconsin 53708

FOR DNR USE ONLY

5-176-01

Please print or type. Form designed for use on elite (12-pitch) typewriter.

Form Approved OMB No. 2050-0038. Expires 9-30-92

UNIFORM HAZARDOUS WASTE MANIFEST		1. Generator's US EPA ID No. MI 000003888	Manifest Document No. 42004	2. Page 1 of 1	Information in the shaded areas is not required by Federal law	
3. Generator's Name and Mailing Address MANISTIQUE PAPERS 453 S. JACKINAC AVE MANISTIQUE 4. Generator's Phone (906) 341-2175		ATTN JIM COOK MI 49854		A. State Manifest Document Number WI J3-5766		
5. Transporter 1 Company Name SAFETY-KLEEN CORP.		6. US EPA ID Number WID 981187297		G. State Transporter's ID		
7. Transporter 2 Company Name		8. US EPA ID Number		D. Transporter's Phone 414 766-4266		
9. Designated Facility Name and Site Address SAFETY-KLEEN CORP. 2100 BADGER ROAD KAUKAUNA, WI 54130		10. US EPA ID Number WID 981187297		E. State Transporter's ID		
				F. Transporter's Phone		
				G. State Facility's ID		
				H. Facility's Phone 414 766-4266		
11. US DOT Description (Including Proper Shipping Name, Hazard Class, and ID Number)		12. Containers No. Type	13. Total Quantity	14. Unit Wt/Vol	15. Waste No.	
a. WASTE PETROLEUM NAPHTHA COMBUSTIBLE LIQUID UN1255(D001)(ERG #27)		007 DM	0.0561	P	D001	
b.						
c.						
d.						
16. Special Handling Instructions and Additional Information ITEM 6 MI/ILD051060408 EMERGENCY RESP#1-708-888-4660 24 HR SKDOT# A: 501 B: C: D:		9230 42161208 442004 5-176-01-3079 10				
17. GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national governmental regulations and according to the requirements of the Wisconsin Department of Natural Resources. If I am a large quantity generator, I also certify that I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment.						
OR, if I am a small quantity generator, I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford.						
Printed/Typed Name & Position Title Brian Brown		Signature Brian Brown		Date 07/20/92		
17. TRANSPORTER 1 Acknowledgement of Receipt of Materials Printed/Typed Name & Position Title Edward Chantroy		Signature Edward Chantroy		Date 07/20/92		
18. TRANSPORTER 2 Acknowledgement of Receipt of Materials Printed/Typed Name & Position Title		Signature		Date		
19. Discrepancy Indication Space						
20. FACILITY OWNER OR OPERATOR: Certification of receipt of hazardous materials covered by this manifest except as noted in Item 19						
Printed/Typed Name & Position Title		Signature		Date		

EPA Form 8700-22 (Rev. 9-88) Previous editions are obsolete.

Copy Distribution:

1 - Generator send to Wis. DNR
2 - Generator retain
3 - Facility send to Wis. DNR

4 - Facility retain
5 - Facility send to Genera
6 - Transporter retain

Emergency 24 Hour Assistance Telephone Number

in Wisconsin (608) 266-3225

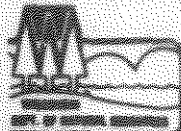
Outside Wisconsin (800) 424-4632

COPY 1 -

Copies 1 & 3 sent to Wis. DNR at above address.

GENERATOR SEND TO WIS DNR

SEE INSTRUCTIONS ON REVERSE SIDE OF COPY 6.



STATE OF WISCONSIN

Chapter 144, Wis. Stats.
Form 4470-007

Rev. 10-92

10-92

State of Wisconsin
Department of Natural Resources
Bureau of Solid and Hazardous Waste Mgt.
Box 8094
Madison, Wisconsin 53708

FOR DNR USE ONLY

5-176-01

Form Approved OMB No. 2050-0095, Expires 9-30-94

What or type. Form designed for use on elite (12 pitch) typewriter.

UNIFORM HAZARDOUS WASTE MANIFEST		1. Generator's US EPA ID No. MID 981192628	Manifest No. 7842	2. Page 1 of 1	Information in the shaded areas is not required by Federal law.
3. Generator's Name and Mailing Address MANISTIQUE PAPERS 483 S MACKINAC AVE MANISTIQUE 4. Generator's Phone 706, 341-2175					
ATTN JIM COOK MI 49854					
5. Transporter 1 Company Name SAFETY-KLEEN CORP.			6. US EPA ID Number WID 981187297		
7. Transporter 2 Company Name			8. US EPA ID Number		
9. Designated Facility Name and Site Address SAFETY-KLEEN CORP. 2100 BADGER ROAD KAUKAUNA WI 54130			10. US EPA ID Number WID 981187297		
11. US DOT Description (Including Proper Shipping Name, Hazard Class, and ID Number)					
a. WASTE COMBUSTIBLE LIQUID, N. O. S. (PETROLEUM NAPHTHA) NA1993 POI(II)(D001) 0813 0					
b. 002 00016					
c. 006 00096					
d. 0001					
12. Containers					
No. Type Total Quantity Unit Wgt. No.					
13. Special Handling Instructions and Additional Information 9341 60059599 878442 5-176-01-5079 10 ITEM 6 MI/ILD051060408 EMERGENCY RESP 61-708-888-4660 24 HR SKDOT# A: 501 B: 585 C: D:					
14. GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national governmental regulations and according to the requirements of the Wisconsin Department of Natural Resources. If I am a large quantity generator, I also certify that I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment.					
OR, if I am a small quantity generator, I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford.					
Printed/Typed Name & Position Title TAN BONE			Signature [Signature]		Date 12/11/93
17. TRANSPORTER 1 Acknowledgment of Receipt of Materials					
Printed/Typed Name & Position Title EDWARD C HAWTREY FSR			Signature [Signature]		Date 12/11/93
18. TRANSPORTER 2 Acknowledgment of Receipt of Materials					
Printed/Typed Name & Position Title			Signature		Date
19. Discrepancy Indication Space					
20. FACILITY OWNER OR OPERATOR: Certification of receipt of hazardous materials covered by this manifest as noted in Item 12.					
Printed/Typed Name & Position Title			Signature		Date

EPA Form 8700-22 (Rev. 8-88) Previous editions are obsolete.

Copy Distribution:

- 1 - Generator send to Wis. DNR
- 2 - Generator retain
- 3 - Facility send to Wis. DNR
- 4 - Facility retain
- 5 - Facility send to Generator
- 6 - Transporter retain

Emergency 24 Hour Assistance Telephone Number

COPY 1 -

In Wisconsin:

(608) 266-6222

Outside Wisconsin:

(800) 424-6222

GENERATOR SEND TO WIS. DNR

Copies 1 & 5 mail to Wis. DNR at above address.



STATE OF WISCONSIN

Chapter 144, Wis. Stats.
Form 4400-68P

Rev. 10-93

Bureau of Solid and Hazardous Waste Mgt.

Box 8094

Madison, Wisconsin 53708

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Form designed for use on elite (12-pitch) typewriter.

Form Approved OMB No. 2050-0039 Expires 9-30-94

UNIFORM HAZARDOUS WASTE MANIFEST		1. Generator's US EPA ID No. MI D 981192628	Manifest Document No. 90780	2. Page 1 of 1	Information in the shaded areas is not required by Federal law.	
3. Generator's Name and Mailing Address MANISTIQUE PAPERS 453 S MACKINAC AVE MANISTIQUE MI 49854		Site Location If Different ATTN JIM COOK		A. State Manifest Document Number WIJ479057		
4. Generator's Phone (906) 341-2175		6. US EPA ID Number WID 981187297		B. State Generator's ID		
5. Transporter 1 Company Name SAFETY-KLEEN CORP.		8. US EPA ID Number		C. State Transporter's ID		
7. Transporter 2 Company Name		10. US EPA ID Number WID 981187297		D. Transporter's Phone 414 766-4266		
9. Designated Facility Name and Site Address SAFETY-KLEEN CORP. 317601 2100 BADGER ROAD KAUKAUNA, WI 54130		12. Containers No. Type 003 DM		E. State Transporter's ID		
				F. Transporter's Phone		
				G. State Facility's ID		
				H. Facility's Phone 414 766-4266		
11. US DOT Description (Including Proper Shipping Name, Hazard Class, and ID Number)		13. Total Quantity		14. Unit wt/vol		I. Waste No.
WASTE COMBUSTIBLE LIQUID, N.O.S. (PETROLEUM NAPHTHA) NA1993 PGIII (D001, D018, D039) (ERG27) 6.7 LBS/GAL		000.29		G		D001 H
R0 WASTE COMBUSTIBLE LIQUID, N.O.S. (PETROLEUM NAPHTHA) NA1993 PGIII (D001, D018, D039) (ERG27) 6.7 LBS/GAL		000.75		G		D001 H
J. Additional Descriptions for Materials Listed Above		K. Handling Codes for Wastes Listed Above				
I (A) D039 D018 (A) 6.7 LBS/GAL I (B) D039 D018 (B) 6.7 LBS/GAL						
15. Special Handling Instructions and Additional Information ITEM 6 MI/ILD051060408 EMERGENCY RESP#1-708-888-4660 24 HR SKDOT# A: 501 B: 585 C: D:						
16. GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national governmental regulations and according to the requirements of the Wisconsin Department of Natural Resources. If I am a large quantity generator, I also certify that I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment. OR, if I am a small quantity generator, I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford.						
Printed/Typed Name & Position Title Bruce Norman, Purchasing		Signature <i>Bruce Norman</i>		Date 03/29/94		
17. TRANSPORTER 1 Acknowledgment of Receipt of Materials Printed/Typed Name & Position Title Edward Chertney, JR		Signature <i>Edward Chertney, JR</i>		Date 03/29/94		
18. TRANSPORTER 2 Acknowledgment of Receipt of Materials Printed/Typed Name & Position Title		Signature		Date		
19. Discrepancy Indication Space						
20. FACILITY OWNER OR OPERATOR: Certification of receipt of hazardous materials covered by this manifest except as noted in Item 19.						
Printed/Typed Name & Position Title		Signature		Date		

PA Form 8700-22 (Rev. 9-88) Previous editions are obsolete.

Copy Distribution:

1 - Generator send to Wis. DNR

4 - Facility retain

2 - Generator retain

6 - Facility send to Generator

3 - Facility send to Wis. DNR

8 - Transporter ret in

Emergency 24 Hour Assistance Telephone Number

COPY 1-

Copies 1 & 2 mail to Wis. DNR at above address.

Wisconsin

800/366-5232

GENERATOR SEND TO WIS. DNR

Outside Wisconsin

800/434-6605

SEE INSTRUCTIONS ON REVERSE SIDE OF COPY 6.



STATE OF WISCONSIN

Chapter 144, Wis. Stats.

Form 4400-86P

Rev. 10-93

5-176-01 ALL COPIES MUST BE LEGIBLE,
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Box 8094
Madison, Wisconsin 53708

FOR DNR USE ONLY

For signed for use on elite (12-pitch) typewriter.

Form Approved OMB No. 2050-0035, Expires 9-30-94

UNIFORM HAZARDOUS WASTE MANIFEST		1. Generator's US EPA ID No. MI D 981192628	Manifest Document No. 67640	2. Page 1 of 1	Information in the shaded areas is not required by Federal law.
3. Generator's Name and Mailing Address MANISTIQUE PAPERS 453 S HACKINAC AVE MANISTIQUE MI 49854		Site Location If Different ATTN JIM COOK		A. State Manifest Document Number WIJ479984	
4. Generator's Phone (906) 341-2175				B. State Generator's ID	
5. Transporter 1 Company Name SAFETY-KLEEN CORP.		6. US EPA ID Number WID 981187297		C. State Transporter's ID	
7. Transporter 2 Company Name		8. US EPA ID Number		D. Transporter's Phone 414 766-4266	
9. Designated Facility Name and Site Address SAFETY-KLEEN CORP. 2100 BADGER ROAD KAUKAUNA, WI 54130		10. US EPA ID Number WID 981187297		E. State Transporter's ID	
				F. Transporter's Phone	
				G. State Facility's ID	
				H. Facility's Phone 414 766-4266	
11. US DOT Description (Including Proper Shipping Name, Hazard Class, and ID Number)		12. Containers No. Type	13. Total Quantity	14. Unit WeYd	15. Waste No.
a. WASTE COMBUSTIBLE LIQUID, N.O.S. (PETROLEUM NAPHTHA) NA1993 PGIII (D001) (ERG27) 6.7 LBS./GAL		208 DM	208.7	0	D001
b. RG WASTE COMBUSTIBLE LIQUID, N.O.S. (PETROLEUM NAPHTHA) NA1993 PGIII (D001) (ERG27) 6.7 LBS./GAL		20.1 DM	200.16	0	D001
c.					
d.					
J. Additional Descriptions for Materials Listed Above I(A) D039 D018 (A) 6.7 LBS/GAL I(B) D039 D018 (B) 6.7 LBS/GAL		K. Handling Codes for Wastes Listed Above			
16. Special Handling Instructions and Additional Information ITEM 6 MI/ILDO31060408 EMERGENCY RESP01-708-888-4660 24 HR SKDOT# A: 501 B: 585 C: D:					
18. GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national governmental regulations and according to the requirements of the Wisconsin Department of Natural Resources. If I am a large quantity generator, I also certify that I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment; OR, if I am a small quantity generator, I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford.					
Printed/Typed Name & Position Title Edward D. Hickey		Signature <i>Edward D. Hickey</i>		Date 02/03/94	
17. TRANSPORTER 1 Acknowledgement of Receipt of Materials Printed/Typed Name & Position Title Edward D. Hickey		Signature <i>Edward D. Hickey</i>		Date 02/03/94	
18. TRANSPORTER 2 Acknowledgement of Receipt of Materials Printed/Typed Name & Position Title		Signature		Date	
19. Discrepancy Indication Space					
20. FACILITY OWNER OR OPERATOR: Certification of receipt of hazardous materials covered by this manifest except as noted in Item 19. ✓					
Printed/Typed Name & Position Title Mike L...		Signature <i>Mike L...</i>		Date 02/03/94	

EPA Form 8700-92 (Rev. 9-88) Previous editions are obsolete.

Copy Distribution:

1 - Generator send to Wis. DNR

4 - Facility retain

Emergency 24 Hour Assistance Telephone Number

In Wisconsin (608) 266-3333

Outside Wisconsin (608) 424-8822

COPY 3-

FACILITY SEND TO WIS. DNR

Copies 1 & 2 mail to Wis. DNR at above address.

2 - Generator retain

3 - Facility send to Wis. DNR

5 - Facility send to Generator

6 - Transporter retain

SEE INSTRUCTIONS ON REVERSE SIDE OF COPY 6.



STATE OF WISCONSIN

Chapter 144, Wis. Stats.
Form 4000-002

Rev. 10-81

Bureau of Solid and Hazardous Waste Mgt.
Box 8884
Madison, Wisconsin 53708

FOR DNR USE ONLY

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Designed for use on elite (11-pitch) typewriter.

Form Approved, OHS No. 5880-0085, Expires 9-30-84

UNIFORM HAZ/ TOXIC WASTE MANIFEST		1. Generator's US EPA ID No. WID 981192628		2. Page 1 of 1		Information in the shaded areas is not required by Federal law.	
3. Generator's Name and Mailing Address MANISTIQUE PAPERS 453 S MACKINAC AVE MANISTIQUE MI 49854		4. Site Location If Different ATTN JIM COOK MI 49854		5. State Hazardous Waste Number WI 49854		6. State Generator's ID	
7. Generator's Phone (906) 341-2175		8. US EPA ID Number WID 981187297		9. State Transporter's ID		10. State Transporter's Phone 414 766-4266	
11. Designated Facility Name and Site Address SAFETY-KLEEN CORP. 2100 BADGER ROAD KAUKAUNA, WI 54130		12. US EPA ID Number WID 981187297		13. State Facility's ID		14. Facility's Phone 414 766-4266	
15. US DOT Description (Including Proper Shipping Name, Hazard Class, and ID Number)		16. Containers		17. Total Quantity		18. Units	
a. WASTE COMBUSTIBLE LIQUID, N.O.S. (PETROLEUM NAPHTHA) NA1993 PGIII (D001, D018, D039) (ERG27) 6.7 LBS/GAL		No. Type 006 DM		290.53		0 D001	
b. RG WASTE COMBUSTIBLE LIQUID, N.O.S. (PETROLEUM NAPHTHA) NA1993 PGIII (D001, D018, D039) (ERG27) 6.7 LBS/GAL		002 DM		000.31		0 D001	
c. (D001, D018, D039) (ERG27) 6.7 LBS/GAL							
19. Additional Descriptions for Containers Listed Above		20. Handling Codes for Wastes Listed Above					
1(A) D039 D018 (A) 6.7 LBS/GAL 1(B) D039 D018 (B) 6.7 LBS/GAL							
21. Special Handling Instructions and Additional Information ITEM 6 MI/ILD051060408 EMERGENCY RESP#1-708-888-4660 24 HR SKDOT# A: 501 B: 585 C: D:		22. 9421 68134907 403263 5-176-01-5079 10					
23. GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national governmental regulations and according to the requirements of the Wisconsin Department of Natural Resources. If I am a large quantity generator, I also certify that I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment.							
OR, if I am a small quantity generator, I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford.							
24. Printed/Typed Name & Position Title JAN REQUE STORE ROOM		25. Signature <i>Jan Reque</i>		26. Date 05/24/84		27. Month Day Year	
28. 17. TRANSPORTER 1 Acknowledgment of Receipt of Materials Printed/Typed Name & Position Title Edward C. Hawtry ISR		29. Signature <i>Edward C. Hawtry</i>		30. Date 05/24/84		31. Month Day Year	
32. 18. TRANSPORTER 2 Acknowledgment of Receipt of Materials Printed/Typed Name & Position Title		33. Signature		34. Date		35. Month Day Year	
36. 19. Discrepancy Indication Space							
37. 20. FACILITY OWNER OR OPERATOR: Certification of receipt of hazardous materials covered by the manifest noted in Item 18.		38. Signature		39. Date		40. Month Day Year	



Form 5700-22 (Rev. 9-83) Previous editions are obsolete.

Copy Distribution:

- 1 - Generator send to Wis. DNR
- 2 - Generator retain
- 3 - Facility send to Wis. DNR

- 4 - Facility retain
- 5 - Facility send to Generator
- 6 - Transporter retain

Emergency 24 Hour Assistance Telephone Number

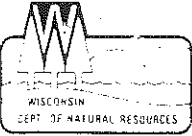
Wisconsin (800) 286-1933
Outside Wisconsin (800) 434-8333

COPY 1.

GENERATOR SEND TO WIS. DNR

Copies 1 & 3 mail to Wis. DNR at above address.

SEE INSTRUCTIONS ON REVERSE SIDE OF COPY 6.



STATE OF WISCONSIN
Chapter 144, Wis. Stats.
Form 4400-66P
Rev. 10-93
Bureau of Solid and Hazardous Waste Mgt.
Box 8094
Madison, Wisconsin 53708

FOR DNR USE ONLY

ALL COPIES MUST BE LEGIBLE, PLEASE TYPE
5-176-01
Form Approved. OMB No. 2050-0039. Expires 9-30-94

UNIFORM HAZARDOUS WASTE MANIFEST		1. Generator's US EPA ID No. MID 981192628	Manifest Document No. 76074	2. Page 1 of 1	Information in the shaded areas is not required by Federal law.	
3. Generator's Name and Mailing Address MANISTIQUE PAPERS 453 S MACKINAC AVE MANISTIQUE MI 49854			Site Location If Different		A. State Manifest Document Number WIJ594840	
4. Generator's Phone (906) 341-2175			6. US EPA ID Number WID 981187297		B. State Generator's ID	
5. Transporter 1 Company Name SAFETY-KLEEN CORP			7. Transporter 2 Company Name		C. State Transporter's ID	
9. Designated Facility Name and Site Address SAFETY-KLEEN CORP. 2100 BADGER ROAD KAUWAUNA WI 54130			10. US EPA ID Number WID 981187297		D. Transporter's Phone 414 766-4266	
					E. State Transporter's ID	
					F. Transporter's Phone	
					G. State Facility's ID	
					H. Facility's Phone 414 766-4266	
11. US DOT Description (Including Proper Shipping Name, Hazard Class, and ID Number)			12. Containers No.	Type	13. Total Quantity	14. Unit Wt/Vol
a. WASTE COMBUSTIBLE LIQUID, N.O.S. (PETROLEUM NAPHTHA) NA1993 PGIII(D001)			001	DM	00.005	G
b. D006, D008, D018, D035, D039, D040 (ERG#27) WASTE COMBUSTIBLE LIQUID, N.O.S. (PETROLEUM NAPHTHA) NA1993 PGIII(D001)			007	DM	00.117	G
c. D006, D008, D018, D035, D039, D040 (ERG#27)						
J. Additional Descriptions for Materials Listed Above			K. Handling Codes for Wastes Listed Above			
I(A) D039 D018 (A) D006, D008, D035, D040, 6, 7#G			I. Waste No. D001 H			
I(B) D039 D018 (B) D006, D008, D035, D040, 6, 7#G			D001 H			
15. Special Handling Instructions and Additional Information ITEM # MIJLD051060408 EMERGENCY RESP#1-708-888-4600 24 HR SKDOT# A: 501 B: 585 C: D:			9509 78333499 276074 5-176-01-5079 10			
16. GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national governmental regulations and according to the requirements of the Wisconsin Department of Natural Resources. If I am a large quantity generator, I also certify that I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment.						
OR, if I am a small quantity generator, I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford.						
Printed/Typed Name & Position Title DAVE BLAHNIK MAINT. MGR			Signature <i>[Signature]</i>		Date 03/01/95	
17. TRANSPORTER 1 Acknowledgement of Receipt of Materials			Signature <i>[Signature]</i>		Date 03/01/95	
18. TRANSPORTER 2 Acknowledgement of Receipt of Materials			Signature <i>[Signature]</i>		Date 03/01/95	
19. Discrepancy Indication Space						
20. FACILITY OWNER OR OPERATOR: Certification of receipt of hazardous materials covered by this manifest except as noted in Item 19.						
Printed/Typed Name & Position Title			Signature		Date MAR 06 1995	



STA
Chapter 144, Wis. Stats.
Form 4400-66P

HEAD OF SOIL AND HAZARDOUS WASTE DIV.

Box 8094
Madison, Wisconsin 53708

FOR DNR USE ONLY

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5-176-01 PLEASE TYPE

Form: ned for use on elite (12-pitch) typewriter.

Form Approved. OMB No. 2050-0039. Expires 9-30-94

UNIFORM HAZARDOUS WASTE MANIFEST		1. Generator's US EPA ID No. MID 981192628	Manifest Document No. 53553	2. Page 1 of 1	Information in the shaded areas is not required by Federal law.	
3. Generator's Name and Mailing Address MANISTIQUE PAPERS 453 S MACKINAC AVE MANISTIQUE MI 49854			Site Location If Different		A. State Manifest Document Number WI0526190	
4. Generator's Phone (906) 341-2175					B. State Generator's ID	
5. Transporter 1 Company Name SAFETY-KLEEN CORP.			6. US EPA ID Number WID 981187297		C. State Transporter's ID	
7. Transporter 2 Company Name			8. US EPA ID Number		D. Transporter's Phone 414 766-4266	
9. Designated Facility Name and Site Address SAFETY-KLEEN CORP. 517601 2100 BADGER ROAD KAUKAUNA, WI 54130			10. US EPA ID Number WID 981187297		E. State Transporter's ID	
					F. Transporter's Phone	
					G. State Facility's ID	
					H. Facility's Phone 414 766-4266	
11. US DOT Description (Including Proper Shipping Name, Hazard Class, and ID Number)		12. Containers No.	Type	13. Total Quantity	14. Unit wt/vol	I. Waste No.
a. WASTE COMBUSTIBLE LIQUID, N.O.S. (PETROLEUM NAPHTHA) NA1993 PGIII (D001)		003	DM	00030	G	D001
b. WASTE COMBUSTIBLE LIQUID, N.O.S. (PETROLEUM NAPHTHA) NA1993 PGIII (D001)		003	DM	00030	G	D001
c. WASTE COMBUSTIBLE LIQUID, N.O.S. (PETROLEUM NAPHTHA) NA1993 PGIII (D001)						
d.						
J. Additional Descriptions for Materials Listed Above I(A) D039 D018 (A) D006, D008, D035, D040, 6. 7#G I(B) D039 D018 (B) D006, D008, D035, D040, 6. 7#G				K. Handling Codes for Wastes Listed Above		
15. Special Handling Instructions and Additional Information ITEM 6 MI/ILD051060408 EMERGENCY RESP#1-708-888-4660 24 HR SKDOT# A:		9445 74216847 153553 5-176-01-5079 10 501 B: 585 C: D:				
16. GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national governmental regulations and according to the requirements of the Wisconsin Department of Natural Resources. If I am a large quantity generator, I also certify that I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment. OR, if I am a small quantity generator, I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford.						
Printed/Typed Name & Position Title JOHN KEGLER STORES		Signature <i>John Kegler</i>			Date Month Day Year 11/10/94	
17. TRANSPORTER 1 Acknowledgement of Receipt of Materials Printed/Typed Name & Position Title Edward Chawtrey		Signature <i>Edward Chawtrey</i>			Date Month Day Year 11/10/94	
18. TRANSPORTER 2 Acknowledgement of Receipt of Materials Printed/Typed Name & Position Title		Signature			Date Month Day Year	
19. Discrepancy Indication Space						

RECEIVED

20. FACILITY OWNER OR OPERATOR: Certification of receipt of hazardous materials covered by this manifest, except as noted in Item 19.

Printed/Typed Name & Position Title	Signature	Date Month Day Year NOV 10 1994
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Waste Management Division



STATE OF ILLINOIS

EN

DEPARTMENT OF ENVIRONMENTAL AGENCY DIVISION OF HAZARDOUS WASTE AND POLLUTION CONTROL

P.O. BOX 19276

SPRINGFIELD, ILLINOIS 62794-9276 (217) 782-6761

FOR SHIPMENT OF HAZARDOUS, INFECTIOUS AND SPECIAL WASTE

State Form - LPC 82 8/81 IL532-0610

NOTE: FORM DESIGNED TO PRINT 8 LINES PER INCH

EPA Form 8700-22 (6-89)

Form Approved OMB No. 1050-0067 Expires 9-92

UNIFORM HAZARDOUS WASTE MANIFEST		Generator's US EPA ID No.	Manifest Document No.	Page 1 of 1	Information in the shaded areas is not required by Federal law, but is required by Illinois law.
Generator's Name and Mailing Address Manistique Papers 453 S Mackinac		Attn: Jim Cook Manistique, MI 49854	91341		
Generator's Phone (906) 341-2175	Transporter 1 Company Name Safety Kleen Corp	US EPA ID Number ILD980613913	Illinois Manifest Document Number IL5104786	Illinois Generator's ID 9261537324	Illinois Transporter's ID 414786-4265
Transporter 2 Company Name	Designated Facility Name and Site Address Safety Kleen ocrp 633 East 138th Street Dolton, IL 60419	US EPA ID Number ILD980613913X	Illinois Facility's ID 0310690006	Facility's Phone 708 849-4850	Transporter's Phone
US DOT Description (including Proper Shipping Name, Hazard Class and ID Number)		Containers No. Type	Total Quantity	Unit WT/Vol	Waste No.
RO Waste Oil Combustible Liquid NA 1270 (F001) (ERG #27)		015 DM	00825	1	0001 000162
Additional Descriptions for Materials Listed Above		Hazard Codes for Wastes Listed Above 1 = Gallons 2 = Cubic Yards			

5-176-01-9159 Preprint Number 09134.

11a) S# 096305

Emergency Response Number 1-708-688-4560

Generator's Certification

I hereby certify that the information on this manifest is true and accurate, and that the waste is being shipped in accordance with the requirements of the Illinois Hazardous Waste Management Act and the Federal Resource Conservation and Recovery Act, and that the waste is being shipped in accordance with the requirements of the Illinois Hazardous Waste Management Act and the Federal Resource Conservation and Recovery Act.

I am a duly qualified generator, transporter, or handler of hazardous waste, and I am authorized to sign this manifest on behalf of the entity that is responsible for the waste.

I understand that this manifest is a legal document, and that it must be kept for a minimum of three years after the date of shipment.

Signature

RAGAN PERINE

Ragan Perine 030691

SEE INSTRUCTIONS ON REVERSE SIDE OF COPY 2.

STATE OF WISCONSIN

Chapter 14, Wis. Stats.

Form 4000-01

10-89

FOR ONE USE ONLY

1-176-01

Revised 10/89. Form designed for use on a dot matrix printer.

Form Approved GMB No. 2060-0024, Expires

UNIFORM HAZARDOUS WASTE MANIFEST

Generator's ID Number

WID 000007000

Material
Description No.
04490

2. Part 1 information is the shaded area is not required by Federal

3. Generator's Name and Mailing Address

Name: ONE PAPER

Address: 453 S. MACHINAC AVE

City: MILWAUKEE

State: WI 53204

Phone: 414-237-3175

4. Transporter's Company Name

NAME: KLEIN L&P

Address: 453 S. MACHINAC AVE

City: MILWAUKEE

State: WI 53204

Phone: 414-237-3175

5. Designated Facility Name and Mailing Address

Name: KLEIN L&P

Address: 453 S. MACHINAC AVE

City: MILWAUKEE

State: WI 53204

Phone: 414-237-3175

Material Description No. 04490

Address: 453 S. MACHINAC AVE

City: MILWAUKEE

State: WI 53204

Phone: 414-237-3175

A. State Manifest Document Number

WID 001289

B. State Generator's ID

C. State Transporter's ID

D. Transporter's Phone 414-766-

E. State Transporter's ID

F. Transporter's Phone

G. State Facility's ID

H. Facility's Phone 414-766-4-

6. EPA ID Numbers including those of the Generator, Transporter, and Facility

Generator's EPA ID: NAH11111

Transporter's EPA ID: NAH11111

Facility's EPA ID: NAH11111

004

13 Total Quantity	14 Unit Factor	15 Waste No.
20323		0001

Handling Code for Waste Control

Signature of Generator's Representative

Signature of Transporter's Representative

Signature of Facility's Representative

Signature of State Representative

Signature of State Representative

Signature of State Representative

Signature of State Representative

Signature of State Representative

Signature of State Representative

Signature of State Representative

STATE OF WISCONSIN

Chapter 144, Wis. State
Form 4400-66P

10-89

Bureau of Solid Waste Mgt
Box 8094
Madison, Wisconsin 53708

FOR DNR USE ONLY

5-176-01

Form Approved OMB No. 2050-0039 Expires 9-30-9

UNIFORM HAZARDOUS WASTE MANIFEST

1. Generator's US EPA ID No

MIG 000007985

Manifest
Document No
95960

2. Page 1
of 1

Information in the shaded areas
is not required by Federal law

3. Generator's Name and Mailing Address

MANISTIQUE PAPERS

ATTN: JIM COOK

MANISTIQUE

453 S MACKINAC AVE

MI 49854

4. Generator's Phone (906) 341-2175

A. State Manifest Document Number

WISJ126244

B. State Generator's ID

5. Transporter 1 Company Name

SAFETY-KLEEN CORP

6. US EPA ID Number

WID 981187297

C. State Transporter's ID

D. Transporter's Phone 414 766-4266

7. Transporter 2 Company Name

8. US EPA ID Number

E. State Transporter's ID

F. Transporter's Phone

9. Designated Facility Name and Site Address

SAFETY-KLEEN CORP

2100 BADGER ROAD

KAUKAUNA, WI 54130

10. US EPA ID Number

WID 981187297

G. State Facility's ID

H. Facility's Phone 414 766-4266

11. US DOT Description (Including Proper Shipping Name, Hazard Class, and ID Number)

WASTE PETROLEUM NAPHTHA

COMBUSTIBLE LIQUID UN1255 (DOO1) (ERG #27)

12. Containers
No. Type

004 DM

13. Total
Quantity

20389

14. Unit
Wt/Vol

F

1. Waste No.

DOO1

J. Additional Descriptions for Materials Listed Above

11A) DOT# DO18

K. Handling Codes for Wastes Listed Above

15. Special Handling Instructions and Additional Information

ITEM 1 MI/IL DO510A408

EMERGENCY RESP# 00-000-4660 24 HR

SKDOT# A

501 B

C

D

16. GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national governmental regulations and according to the requirements of the Wisconsin Department of Natural Resources. If I am a large quantity generator, I also certify that I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment.

17. If I am a small quantity generator, I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford.

Printed/Typed Name & Position Title

JAN REGUE

Signature

JAN REGUE

Date
05/03/91

Printed/Typed Name & Position Title

RAY-AW PECORE SK

Signature

Rayan Pecore

Date
05/03/91

Printed/Typed Name & Position Title

Signature

Date

18. Transporter's Signature Space

19. Facility's Signature Space

Date

INSTRUCTIONS ON REVERSE SIDE OF COPY 6.



STATE OF WIS
Chapter 144, Wis. State
Form 4400-05P

5-176-01

Bureau of Waste Management
Box 2094
Madison, Wisconsin 53708

FOR DNR USE ONLY

Print or type. Form designed for use on elite (12-pitch) typewriter.

Form Approved OMB No. 2050-0076 Expires 9-30-91

UNIFORM HAZARDOUS WASTE MANIFEST		1. Generator's US EPA ID No. MI 000002988	Manifest Document No. 98460	2. Page 1 of 1	Information in the shaded areas is not required by Federal law.
3. Generator's Name and Mailing Address MANISTIQUE PAPERS ATTN JIM COOK MANISTIQUE 4. Generator's Phone (906) 341-2173		5. US EPA ID Number MI 981192628		A. State Manifest Document Number WIS0130530	
6. Transporter 1 Company Name SAFETY-KLEEN CORP		7. US EPA ID Number WID 981187297		B. State Generator's ID	
7. Transporter 2 Company Name		8. US EPA ID Number		C. State Transporter's ID	
9. Designated Facility Name and Site Address SAFETY-KLEEN CORP 2100 BADGER ROAD KAUKAUNA, WI 54130		10. US EPA ID Number WID 981187297		D. Transporter's Phone (414) 766-4266	
				E. State Transporter's ID	
				F. Transporter's Phone	
				G. State Facility's ID	
				H. Facility's Phone (414) 766-4266	
11. US DOT Description (Including Proper Shipping Name, Hazard Class, and ID Number)		12. Containers No. Type	13. Total Quantity	14. Unit Weight	15. Waste No.
a. WASTE PETROLEUM NAPHTHA COMBUSTIBLE LIQUID UN1255(D001) (ERG #27)		005 DM	00389	P	D001 H
b.					
c.					
d.					
J. Additional Descriptions for Materials Listed Above I(A) D039 D018		K. Handling Codes for Wastes Listed Above			
16. Special Handling Instructions and Additional Information ITEM 6 MI/ILD051060408 EMERGENCY RESP#1-708-888-4660 24 HR BKDOT# A: 501 B: C: D:					
16. GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national governmental regulations and according to the requirements of the Wisconsin Department of Natural Resources. If I am a large quantity generator, I also certify that I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment. OR, if I am a small quantity generator, I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford.					
Printed/Typed Name & Position Title JAN LKOUVE STORES		Signature Jan Lkouve		Date 08/22/91	
17. TRANSPORTER 1 Acknowledgement of Receipt of Materials Printed/Typed Name & Position Title RAGAN PECORE SR		Signature Ragan Pecore		Date 08/22/91	
18. TRANSPORTER 2 Acknowledgement of Receipt of Materials Printed/Typed Name & Position Title		Signature		Date	
19. Discrepancy Indication Space					
20. FACILITY OWNER OR OPERATOR: Certification of receipt of hazardous materials covered by this manifest except as noted in Item 19. Printed/Typed Name & Position Title Diane Hoffmann					
Signature Diane Hoffmann		Date 08/22/91			

EPA Form 8700-22 (Rev. 9-88) Previous editions are obsolete.

Copy Distribution:

- 1 - Generator send to Wis. DNR
- 2 - Generator retain
- 3 - Facility send to Wis. DNR

- 4 - Facility retain
- 5 - Facility send to Generator
- 6 - Transporter retain

Copies 1 & 3 mail to Wis. DNR at above address.

Emergency 24 Hour Assistance Telephone Number

In Wisconsin (608) 266-3232
Outside Wisconsin (800) 424-6802

COPY 3 - FACILITY SEND TO WIS. DNR

Journal of Social Work & Health
 Issues
 Volume 21, Number 1
 March 2003

FOR THE ENTIRE YEAR

Form Approved OMB No. 0704-0188

UNIFORM HAZARDOUS WASTE MANIFEST

March 1991

2 Page 1 Information in the shaded area
of 1 is not requested by Federal law

D. State Generator's ID

H. Facility's Phone 414 766-426



DOO 1

K. Landlin: Codes for Wastes Listed AtoZ

9126 28192789 389218 5-178-01-5079 10

501 E

Q. If I am a small quantity generator, I have made a good faith effort to minimize my waste generation and used the best waste management method that is available to me and that I can afford.

Dear Susan

Date _____
Month _____ Day _____
40269

Figure 1. The structure of the proposed model.

Signature: Francis P. ...

Date _____
Month _____ Day _____

Figure 1

Figure 1. The effect of the concentration of the *Agaricus bisporus* spores on the growth of *Agaricus bisporus* on the substrate.

Date _____

Page _____

19. FACULTY: ☒ YES ☐ NO

[illegible]

Figure 1. The effect of the concentration of the *Agrobacterium* suspension on the transformation efficiency of *Agrobacterium* strains.

1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 2679, 26

[illegible]

... ..

Figure 1. The effect of the number of trials on the number of correct responses. The number of correct responses was significantly higher than the number of incorrect responses in all cases. Error bars represent the standard error of the mean.

1000

[illegible]

1. The first group of variables, *demographic*, includes age, sex, and marital status. The second group, *education*, includes years of schooling, high school graduation, and college graduation. The third group, *employment*, includes employment status, occupation, and industry. The fourth group, *income*, includes household income and personal income. The fifth group, *health*, includes self-rated health, physical health, and mental health. The sixth group, *social*, includes social network, social support, and social participation. The seventh group, *psychological*, includes psychological distress, psychological well-being, and psychological resilience. The eighth group, *behavioral*, includes smoking, drinking, and exercise. The ninth group, *environmental*, includes neighborhood safety, neighborhood quality, and neighborhood resources. The tenth group, *policy*, includes policy awareness, policy participation, and policy evaluation.

Figure 1. The effect of the number of trials on the number of correct responses. The number of correct responses was plotted against the number of trials for each condition. The number of correct responses increased with the number of trials for all conditions. The number of correct responses was highest for the condition with the highest number of trials (10 trials) and lowest for the condition with the lowest number of trials (2 trials).

● 臺灣省立美術館

[illegible]

1. *Journal of the American Medical Association*, 1997; 277: 1039-1043.

$$\frac{\partial \mathcal{L}}{\partial \mathbf{w}_1} = \frac{\partial \mathcal{L}}{\partial \mathbf{z}_1} \frac{\partial \mathbf{z}_1}{\partial \mathbf{w}_1} = \frac{\partial \mathcal{L}}{\partial \mathbf{z}_1} \mathbf{x}_1$$

STATE OF WISCONSIN
Chapter 144, Wis. Stats.
Form 4400-56P

Rev. 6-91

Department of Natural Resources
Bureau of Solid Waste Mgt.
Box 8094
Madison, Wisconsin 53708

FOR DNR USE ONLY

5-176-01

Please print or type. Form designed for use on elite (12 pitch) typewriter.

Form Approved OMB No. 2050-0039 Expires 9-30-91

UNIFORM HAZARDOUS WASTE MANIFEST		1. Generator's US EPA ID No. MI9 000007988	Merifest Document No. 10313	2. Page 1 of 1	Information in the shaded areas is not required by Federal law.
3. Generator's Name and Mailing Address MANISTIQUE PAPERS ATTN: JIM COOK MANISTIQUE		453 S HACKINAC AVE MI 49834		A. State Manifest Document Number WI 1229483	
4. Generator's Phone (906) 341-2175		5. Transporter 1 Company Name SAFETY-KLEEN CORP.		B. State Generator's ID	
6. Transporter 1 Company Name		8. US EPA ID Number WID 981187297		C. State Transporter's ID	
7. Transporter 2 Company Name		8. US EPA ID Number		D. Transporter's Phone 414 766-4266	
9. Designated Facility Name and Site Address SAFETY-KLEEN CORP. 2100 BADGER ROAD KAUKAUNA, WI 54130		10. US EPA ID Number WID 981187297		E. State Transporter's ID	
				F. Transporter's Phone	
				G. State Facility's ID	
				H. Facility's Phone 414 766-4266	

11. US DOT Description (Including Proper Shipping Name, Hazard Class, and ID Number)	12. Containers No.	Type	13. Total Quantity	14. Unit Wt/Vol	15. Waste No.
a. WASTE PETROLEUM NAPHTHA COMBUSTIBLE LIQUID UN1255(D001) (ERG #27)	007	DM	00561	P	D001 H
b.					
c.					
d.					

J. Additional Descriptions for Materials Listed Above I(A) D039 D01	K. Handling Codes for Wastes Listed Above
---	---

15. Special Handling Instructions and Additional Information
**ITEM 6 MI/ILD051060408
EMERGENCY RESP#1-708-888-4660 24 HR
SKDOT# A: 501 B: C: D:**

16. GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national governmental regulations and according to the requirements of the Wisconsin Department of Natural Resources. If I am a large quantity generator, I also certify that I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment.

OR, if I am a small quantity generator, I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford.

Printed/Typed Name & Position Title JAN REGUE	Signature <i>Jan Regue</i>	Date Month Day Year 12/12/91
17. TRANSPORTER 1 Acknowledgement of Receipt of Materials Printed/Typed Name & Position Title EDWARD C HAWRY	Signature <i>Edward C Hawry</i>	Date Month Day Year 12/12/91
18. TRANSPORTER 2 Acknowledgement of Receipt of Materials Printed/Typed Name & Position Title	Signature	Date Month Day Year

19. Discrepancy Indication Space

20. FACILITY OWNER OR OPERATOR: Certification of receipt of hazardous materials covered by this manifest except as noted in item 19. Printed/Typed Name & Position Title <i>[Signature]</i>	Signature <i>[Signature]</i>	Date Month Day Year 12/12/91
---	---------------------------------	---

Form 4400-56P (Rev. 9-88) Previous editions are obsolete.

24 Hour Assistance Telephone Number
In Wisconsin (800) 266-3232
Outside Wisconsin (800) 424-5502

Copy Distribution:

- 1 - Generator send to Wis. DNR
- 2 - Generator retain
- 3 - Facility send to Wis. DNR

- 4 - Facility retain
- 5 - Facility send to Generator
- 6 - Transporter retain

Copies 1 & 3 mail to Wis. DNR at above address.

FACILITY SEND TO WIS. DNR

INSTRUCTIONS ON REVERSE SIDE

STATE OF WISCONSIN

Chapter 144, Wis. Stats.
Form 4900-66P

10-89

State of Wisconsin
Department of Natural Resources
Bureau of Solid Waste Mgt.
Box 8094
Madison, Wisconsin 53708

FOR DNR USE ONLY

5-176-01

Print or type. Form designed for use on elite (12-pitch) typewriter.

Form Approved OMB No. 2060-0035 Expires 9-30-91

UNIFORM HAZARDOUS WASTE MANIFEST		1. Generator's US EPA ID No. MIG 000007988	Manifest Document No. 04490	2. Page 1 of 1	Information in the shaded areas is not required by Federal law	
3. Generator's Name and Mailing Address MANISTIQUE PAPERS ATTN JIM COOK MANISTIQUE				A. State Manifest Document Number WI 0101289		
4. Generator's Phone (906) 341-2175				B. State Generator's ID		
5. Transporter 1 Company Name SAFETY-KLEEN CORP		6. US EPA ID Number WID 981187297		C. State Transporter's ID		
7. Transporter 2 Company Name		8. US EPA ID Number		D. Transporter's Phone 414 766-4266		
9. Designated Facility Name and Site Address SAFETY-KLEEN CORP. 2100 BADGER ROAD KAUKAUNA, WI 54130		10. US EPA ID Number WID 981187297		E. State Transporter's ID		
				F. Transporter's Phone		
				G. State Facility's ID		
				H. Facility's Phone 414 766-4266		
11. US DOT Description (Including Proper Shipping Name, Hazard Class, and ID Number)		12. Containers No. Type	13. Total Quantity	14. Unit Wt/Vol	1. Waste No.	
a. WASTE PETROLEUM NAPHTHA COMBUSTIBLE LIQUID UN1255(D001)(ERG #27)		004 DM	00.303	P	D001	
b.						
c.						
d.						
J. Additional Descriptions for Materials Listed Above 1(A) D039 D018				K. Handling Codes for Wastes Listed Above		
15. Special Handling Instructions and Additional Information ITEM 6 MI/ILD051060408 EMERGENCY RESP#1-708-888-4660 SKDOT# A: 501 B: C: D:						
16. GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national governmental regulations and according to the requirements of the Wisconsin Department of Natural Resources. If I am a large quantity generator, I also certify that I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment.						
OR, if I am a small quantity generator, I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford.						
Printed Typed Name & Position Title Robert Benish Construction		Signature <i>Robert Benish</i>		Date 030691		
17. TRANSPORTER Acknowledgement of Receipt of Materials Printed Typed Name & Position Title Rafael Pecore SR		Signature <i>Rafael Pecore</i>		Date 030691		
18. TRANSPORTER Acknowledgement of Receipt of Materials Printed Typed Name & Position Title		Signature		Date		

19. Discrepancy Indication (None)

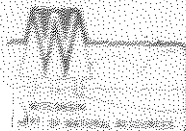
20. FACILITY OWNER OR OPERATOR Certification of receipt of hazardous materials covered by this manifest except as noted in Item 19

Printed Typed Name & Position Title

Signature

Date

SEE INSTRUCTIONS (

S
D

Form No. 8000-10-1

5-17

E DNR USE ONLY

Please print or type. Form designed for:

2050-0028 Expires 9-30-

UNIFORM HAZARDOUS
WASTE MANIFEST

MD 981192 628

-H10-000007988-

Manifest No.

12281

of 1

ation in the shaded areas
is not required by Federal law.MANISTIQUE PAPER
ATTN JIM COOK
MANISTIQUE453 S MACKINAC AVE
MI 49854

A. State Manifest Document Number

WI 0104787

B. State Generator's ID

4. Generator's Phone 906 341-2175

5. Transporter 1 Company Name
SAFETY-KLEEN CORP.

6. US EPA ID Number

WID 981187297

C. State Transporter's ID

D. Transporter's Phone 414 766-1266

7. Transporter 2 Company Name

8. US EPA ID Number

E. State Transporter's ID

F. Transporter's Phone

9. Designated Facility Name and Site Address

SAFETY-KLEEN CORP.
2100 BADGER ROAD
KAUKAUNA, WI 54130

5-176-01

10. US EPA ID Number

WID 981187297

G. State Facility's ID

H. Facility's Phone 414 766-4266

11. US DOT Description (Including Proper Shipping Name, Hazard Class, and ID Number)

WASTE PETROLEUM NAPHTHA
COMBUSTIBLE LIQUID UN1255(D001) (ERG #27)12. Containers
No. Type

003 DM

13. Total
Quantity

002.17

14. Unit
wt/vol

P

1. Waste No.

D001 H

J. Additional Descriptions for Materials Listed Above

I(A) D039 D018

K. Handling Codes for Wastes Listed Above

15. Special Handling Instructions and Additional Information

ITEM 6 MI/ILD051060408

EMERGENCY RESP#1-708-888-4660

SKDOT# A:

501 B:

C:

D:

9102 22787147 312281 5-176-01-5079 10

16. GENERATOR'S CERTIFICATION. I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national governmental regulations and according to the requirements of the Wisconsin Department of Natural Resources. If I am a large quantity generator, I also certify that I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment.

OR, if I am a small quantity generator, I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford.

Printed/Typed Name & Position Title

John E. Garvin GRP Leader

Signature

John E. Garvin

Date

Month Day Yr
2/1/09

17. TRANSPORTER 1 Acknowledgement of Receipt of Materials

Printed/Typed Name & Position Title

Edward C. Haatrappe

Signature

Edward C. Haatrappe

Date

Month Day Yr
2/1/09

18. TRANSPORTER 2 Acknowledgement of Receipt of Materials

Printed/Typed Name & Position Title

Signature

Date

Month Day Yr

19. Discrepancy Indication Space

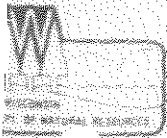
20. FACILITY OWNER OR OPERATOR. Certification of receipt of hazardous materials covered by this manifest except as noted in Item 19.

Printed/Typed Name & Position Title

Signature

Date

Month Day Yr

**STATE OF WISCONSIN**Chapter 144, Wis. Stats.
Form 4400-66P

10-89

Department of Natural Resources
Bureau of Solid Waste Mgt.
Box 8094
Madison, Wisconsin 53708**FOR DNR USE ONLY**

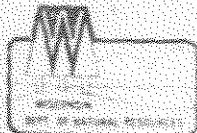
5-176-01

Use pre-printed or type. Form designed for use on elite (12-pitch) typewriter.

Form Approved OMB No. 2050-0039 Expires 9-30-91

UNIFORM HAZARDOUS WASTE MANIFEST		1. Generator's US EPA ID No. MI6 000007988	Manifest Document No. 96960	2. Page 1 of 1	Information in the shaded areas is not required by Federal law.
3. Generator's Name and Mailing Address MANISTIQUE PAPERS ATTN JIM COOK MANISTIQUE 453 S MACKINAC AVE MI 49854				A. State Manifest Document Number WI 0126244	
4. Generator's Phone (906) 341-2175				B. State Generator's ID	
5. Transporter 1 Company Name SAFETY-KLEEN CORP.		6. US EPA ID Number WID 981187297		C. State Transporter's ID	
7. Transporter 2 Company Name		8. US EPA ID Number		D. Transporter's Phone 414 766-4266	
9. Designated Facility Name and Site Address SAFETY-KLEEN CORP. 2100 BADGER ROAD KAUKAUNA, WI 54130		10. US EPA ID Number WID 981187297		E. State Transporter's ID	
				F. Transporter's Phone	
				G. State Facility's ID	
				H. Facility's Phone 414 766-4266	
11. US DOT Description (Including Proper Shipping Name, Hazard Class, and ID Number)		12. Containers No. Type		13. Total Quantity	14. Unit Wt/Vol
a. WASTE PETROLEUM NAPHTHA COMBUSTIBLE LIQUID UN1255(D001)(ERG #27)		004 DM		2038.9	F
b.					
c.					
d.					
J. Additional Descriptions for Materials Listed Above 1(A) D039 D018		K. Handling Codes for Wastes Listed Above			
15. Special Handling Instructions and Additional Information ITEM 6 MI/ILD051060408 EMERGENCY RESP#1-708-888-4660 24 HR SKDOT# A: 501 B: C: D:		911B 26427484 696960 5-176-01-5079 10			
16. GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national governmental regulations and according to the requirements of the Wisconsin Department of Natural Resources. If I am a large quantity generator, I also certify that I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment.					
OR, if I am a small quantity generator, I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford.					
Printed/Typed Name & Position Title Pat Regue		Signature <i>Pat Regue</i>		Date 05/03/91	
17. TRANSPORTER 1 Acknowledgment of Receipt of Materials Printed/Typed Name & Position Title RAMON PEROTE SR		Signature <i>Ramon Perote</i>		Date 05/03/91	
18. TRANSPORTER 2 Acknowledgment of Receipt of Materials Printed/Typed Name & Position Title		Signature		Date	
19. Emergency Notification Space					
20. FACILITY OWNER (OR OPERATOR) Certification of receipt of hazardous materials covered by this manifest except as noted in Item 15.					
Printed/Typed Name & Position Title		Signature		Date	
EPA Form 4400-66 (Rev. 5-89) Previous editions are obsolete. Copy Distribution: 1 - Generator and to Wis. DNR; 2 - Generator retain; 3 - Facility and to Wis. DNR; 4 - Facility retain; 5 - Transporter retain.					

SEE INSTRUCTIONS ON REVERSE SIDE OF COPY 6.



STATE OF WISCONSIN

Chapter 144, Wis. Stats.

Form 4400-66P

10-89

State of Wisconsin
Department of Natural Resources
Bureau of Solid Waste Mgt.
Box 8094
Madison, Wisconsin 53708

FOR DNR USE ONLY

5-176-01

Please print or type. Form designed for use on elite (12-pitch) typewriter.

Form Approved OMB No. 2050-0039 Expires 9-30-91

UNIFORM HAZARDOUS
WASTE MANIFEST

1. Generator's US EPA ID No.

MI9 000007988

Manifest
Document No.
944602. Page 1
of 1Information in the shaded areas
is not required by Federal law.

3. Generator's Name and Mailing Address

MANISTIQUE PAPERS

ATTN JIM COOK

MANISTIQUE

453 S MACKINAC AVE

MI 49854

4. Generator's Phone (906) 341-2175

A. State Manifest Document Number

WI 0130500

B. State Generator's ID

5. Transporter 1 Company Name

SAFETY-KLEEN CORP.

6. US EPA ID Number

WID 981187297

C. State Transporter's ID

D. Transporter's Phone 414 766-4256

7. Transporter 2 Company Name

8. US EPA ID Number

E. State Transporter's ID

F. Transporter's Phone

9. Designated Facility Name and Site Address

SAFETY-KLEEN CORP.

2100 BADGER ROAD

KAUKAUNA, WI 54130

5-176-01

10. US EPA ID Number

WID 981187297

G. State Facility's ID

H. Facility's Phone 414 766-4266

11. US DOT Description (Including Proper Shipping Name, Hazard Class, and ID Number)

WASTE PETROLEUM NAPHTHA
COMBUSTIBLE LIQUID UN1255(D001)(ERG #27)12. Containers
No. Type

005 DM

13. Total
Quantity

00389

14. Unit
We/Vol

P

1. Waste No.

D001

2. Additional Descriptions for Materials Listed Above

1(A) D029 D018

K. Handling Codes for Wastes Listed Above

15. Special Handling Instructions and Additional Information

9134 30094585 094460 5-176-01-5079 10

ITEM 6 MI/ILD051060408

EMERGENCY RESP#1-708-888-4660 24 HR

SKDOT# A

301 B

C

D

16. GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national governmental regulations and according to the requirements of the Wisconsin Department of Natural Resources. If I am a large quantity generator, I also certify that I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment.

OR, if I am a small quantity generator, I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford.

Printed/Typed Name & Position Title

JAN LEQUE

STORES

Signature

Jan Leque

Date

08/22/91

17. TRANSPORTER 1 Acknowledgment of Receipt of Materials

Printed/Typed Name & Position Title

RAGAN PECORE

SR

Signature

Ragan Pecore

Date

08/22/91

18. TRANSPORTER 2 Acknowledgment of Receipt of Materials

Printed/Typed Name & Position Title

Signature

Date

08/22/91

19. Emergency Contact Name

20. FACILITY OWNER'S OR OPERATOR'S Acknowledgment of Receipt of Hazardous Materials covered by this manifest except as noted on page 1B

Printed/Typed Name & Position Title

Signature

WASTE

08/22/91

EPA Form 4400-66P-10 Rev. 3-89 Previous editions are obsolete.

EPA Form 4400-66P-10

Continued on Rev. 3-89

1. Facility name

EPA Form 4400-66P-10 Rev. 3-89 Previous editions are obsolete.

EPA Form 4400-66P-10

Continued on Rev. 3-89

2. Facility address

EPA Form 4400-66P-10 Rev. 3-89 Previous editions are obsolete.

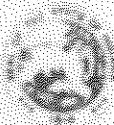
EPA Form 4400-66P-10

Continued on Rev. 3-89

3. Transporter name

MICHIGAN DEPARTMENT OF NATURAL RESOURCES
WASTE MANAGEMENT DIVISION
MANIFEST DETAIL REPORT FROM 01/01/1992 TO 04/11/1995
MID981192628 - MANISTIQUE PAPER INC , MANISTIQUE , MI

MANIFEST	COPY	SHIPDATE/ RCVDDATE	GENERATOR	HAULER1/ HAULER2	TSD	CURRMICRO	ORIGMICRO	A T	R E	L O	H A	E R	F R	Q Q	V V			
								T	J	T	WCODE	Z	QUANTITY	R	C	W	W	
WIJ0589733	GEN	01/04/1995	MID981192628	WID981187297	WID981187297	09590637	09590637	N		A	DOO1	H	000044	G	N	N	N	Y
										B	DOO1	H	000111	G	N	N	N	Y
WIJ0589733	TSD	01/04/1995	MID981192628		WID981187297	09592398	09592398	N		A	DOO1	H	000044	G	N	N	N	N
										B	DOO1	H	000111	G	N	N	N	N
WIJ355766	GEN	07/22/1992	MID981192628	WID981187297	WID981187297	08791254	07012086	N		A	DOO1	H	000561	P	N	N	N	Y
WIJ432807	GEN	10/14/1993	MID981192628	WID981187297	WID981187297	08131235	08131235	N		A	DOO1	H	000016	G	N	N	N	Y
										B	DOO1	H	000096	G	N	N	N	Y
WIJ479057	GEN	03/29/1994	MID981192628	WID981187297	WID981187297	08731295	08731295	N		A	DOO1	H	000029	G	N	N	N	Y
										B	DOO1	H	000075	G	N	N	N	Y
WIJ479984	GEN	02/03/1994	MID981192628	WID981187297	WID981187297	08561986	08561986	N		A	DOO1	H	000087	G	N	N	N	Y
										B	DOO1	H	000016	G	N	N	N	Y
WIJ479984	TSD	02/03/1994	MID981192628		WID981187297	08550297	08550297	N		A	DOO1	H	000087	G	N	N	N	N
										B	DOO1	H	000016	G	N	N	N	N
WIJ498970	GEN	05/24/1994	MID981192628	WID981187297	WID981187297	08951917	08951917	N		A	DOO1	H	000053	G	N	N	N	Y
										B	DOO1	H	000037	G	N	N	N	Y
WIJ508362	GEN	07/19/1994	MID981192628	WID981187297	WID981187297	09190265	09110799	N		A	DOO1	H	000029	G	N	N	N	Y
										B	DOO1	H	000080	G	N	N	N	Y
WIJ594840	GEN	03/01/1995	MID981192628	WID981187297	WID981187297	09761917	09761917	N		A	DOO1	H	000005	G	N	N	N	Y
										B	DOO1	H	000117	G	N	N	N	Y
WIO526190	GEN	11/08/1994	MID981192628	WID981187297	WID981187297	09432796	09432796	N		A	DOO1	H	000030	G	N	N	N	Y
										B	DOO1	H	000080	G	N	N	N	Y



INDIA
OFFICE
P.O.
INDIA

PLEASE PRINT OR TYPE

UNIFORM HAZARDOUS
WASTE MANIFEST

Generator's US EPA No.

M I D 981192628

Manifest
Number

43160

Page

1

Information on the bottom of this
manifest must be provided to the
State or Federal agency to which
this waste is shipped.

1. Generator's Name and Mailing Address

MANISTIQUE PAPERS

JIM COOK, 453 S Mackinac Ave Manistique, MI 49854

INA 0847722

4. Generator's Phone (906) 341-2175

5. Transporter 1 Company Name

SAFETY-KLEEN CORP.

6. US EPA ID Number

M I D 981192628

7. State Transporter's ID 1123

D. Transporter's Phone 414 766-4266

8. US EPA ID Number

M I D 981192628

E. State Transporter's ID 11

F. Transporter's Phone

9. Designated Facility Name and Site Address 0-006-10

SAFETY-KLEEN OIL RECOVERY

BRESLUBE

601 RILEY ROAD

EAST CHICAGO IN 46312

10. US EPA ID Number

I N D 077042034

G. State Facility's ID

H. Facility's Phone 219 397-1131

11. US DOT Description (including Proper Shipping Name, Hazard Class, and ID Number)

RD HAZARDOUS WASTE, LIQUID, N.O.S.
(ETHYLENE GLYCOL) 9 HA3082 PG111
(0008)(ERGN31) 9.2LBS/GAL

12. Containers

No. Type

13. Total
Quantity

14. Total
Wt/Vol

Waste No.

0001

TT

00675

G

0008

H

15. Additional Descriptions for Materials Listed Above

(A) 0039

16. Handling Codes for Wastes Listed Above

(A) 902

17. Special Handling Instructions and Additional Information

EMERGENCY RESP#708-888-4660 24HR. 5-176-71-1713

PPH-043160

SKDOTW A:

1162 B:

C:

D:

18. GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national government regulations.

If I am a large quantity generator, I certify that I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and that I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment. OR, if I am a small quantity generator, I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford.

Printed/Typed Name

RICHARD A ALDRICH

Signature

Richard A Aldrich

Date

10/19/93

19. Transporter 1 Acknowledgment of Receipt of Materials

Printed/Typed Name

PIC GRIGIERA

Signature

Pic Grigier

Date

10/19/93

20. Transporter 2 Acknowledgment of Receipt of Materials

Printed/Typed Name

Signature

Date

Month Day Year

21. Discrepancy Indicator Space

22. Facility Owner or Operator: Certification of information provided on this manifest except as noted item 19

Printed/Typed Name

Signature

Date

Month Day Year

EPA Form 6700-22

Previous editions are obsolete

State Form: 1-955 (R4-88)

COPY 2. GENERATOR MAIL TO GENERATOR STATE



INA0847722



ST

FOR DNR USE ONLY

2050-0038 Expires 9-30-92

Please print

UNIFORM HAZARDOUS
WASTE MANIFESTA. Generator's Name and Mailing Address
MANISTIQUE PAPERS
453 S MACKINAC AVE
MANISTIQUEATTN JIM COOK
MI 49854

4. Generator's Phone (906) 341-2175

5. Transporter 1 Company Name
SAFETY-KLEEN CORP.8. US EPA ID Number
WID 981187297

7. Transporter 2 Company Name

9. US EPA ID Number

9. Designated Facility Name and Site Address
SAFETY-KLEEN CORP.
2100 BADGER ROAD
KAUKAUNA WI 54130

5-176-01

10. US EPA ID Number
WID 981187297Information in the shaded areas
is not required by Federal law.

A. State Manifest Document Number

WI 0331025

B. State Generator ID

C. State Transporter's ID

D. Transporter's Phone 414 766-4266

E. State Transporter's ID

F. Transporter's Phone

G. State Facility's ID

H. Facility's Phone 414 766-4266

11. US DOT Description (Including Proper Shipping Name, Hazard Class, and ID Number)

12. Containers
No. Type13. Total
Quantity14. Unit
wt/vol

15. Waste No.

a. WASTE COMBUSTIBLE LIQUID, N. O. S.
(MINERAL SPIRITS) NA1993 PO111 (D001)
(ER0027)

006

DM

009.75

P

D001

b.

c.

d.

J. Additional Descriptions for Materials Listed Above

I(A) D029 D018

K. Handling Codes for Wastes Listed Above

15. Special Handling Instructions and Additional Information

9246 46530176 901911 5-176-01-3079 10

ITEM 6 MI/ILDO51060408

EMERGENCY RESP#1-708-888-4660 24 HR

SKDOT# A:

501 B:

C:

D:

16. GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national governmental regulations and according to the requirements of the Wisconsin Department of Natural Resources. If I am a large quantity generator, I also certify that I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment.

OR, if I am a small quantity generator, I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford.

Printed/Typed Name & Position Title

JAN REQUE STORES

Signature

Jan Reque

Date

Month Day Year
11/1/92

17. TRANSPORTER 1 Acknowledgement of Receipt of Materials

Printed/Typed Name & Position Title

Edward C Harvey

Signature

Edward C Harvey

Date

Month Day Year
11/1/92

18. TRANSPORTER 2 Acknowledgement of Receipt of Materials

Printed/Typed Name & Position Title

Signature

Date

Month Day Year

19. Discrepancy Indication Space

20. FACILITY OWNER OR OPERATOR Certification of receipt of hazardous materials covered by this manifest except as noted in Step 19.

Printed/Typed Name & Position Title

Signature

Date

Month Day Year
11/1/92

PA 10-8700-2 Rev. 9-88 Previous editions are obsolete.

Copy Distribution:

1 - Generator send to Wis. DNR

4 - Facility retain

2 - Generator retain

5 - Facility send to Generator

3 - Facility send to Wis. DNR

6 - Transporter retain

Emergency 24 Hour Assistance Telephone Number

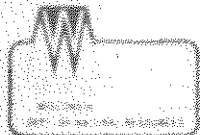
in Wisconsin (800) 285-3332

outside Wisconsin (800) 424-8802

COPY 3 -

Copies 1 & 3 mail to Wis. DNR at above address.

FACILITY SEND TO WIS. DNR



STATE
Chapter 144
Form 4400-001

5-176-01

Wisconsin Department of Natural Resources
Bureau of Solid Waste Mgt.
Box 8094
Madison, Wisconsin 53708

FOR DNR USE ONLY

Please print or type. Form designed for use on elite (12-pitch) typewriter. *M/D 581192628* Form Approved OMB No. 2000-0039 Expires 9-30-95

UNIFORM HAZARDOUS WASTE MANIFEST		1. Generator's US EPA ID No. <i>WID 000007988</i>	Manifest Document No. <i>19400</i>	2. Page 1 of 1	Information in the shaded areas is not required by Federal law
3. Generator's Name and Mailing Address <i>MANISTIQUE PAPER 453 S MACKINAC AVE MANISTIQUE</i>		ATTN JIM COOK MI 49854		A. State Manifest Document Number <i>WIS 0347816</i>	
4. Generator's Phone <i>906 341-2175</i>				B. State Generator's ID <i>WID 000007988</i>	
5. Transporter 1 Company Name <i>SAFETY-KLEEN CORP</i>		6. US EPA ID Number <i>WID 981187297</i>		C. State Transporter's ID	
7. Transporter 2 Company Name		8. US EPA ID Number		D. Transporter's Phone <i>414 766-4266</i>	
9. Designated Facility Name and Site Address <i>SAFETY-KLEEN CORP 2100 BADGER ROAD KAUKAUNA WI 54130</i>		10. US EPA ID Number <i>WID 981187297</i>		E. State Transporter's ID	
				F. Transporter's Phone	
				G. State Facility's ID	
				H. Facility's Phone <i>414 766-4266</i>	
11. US DOT Description (Including Proper Shipping Name, Hazard Class, and ID Number)		12. Containers No. Type	13. Total Quantity	14. Unit Wt/Vol	15. Waste No.
a. <i>WASTE COMBUSTIBLE LIQUID, N.O.S. (MINERAL SPIRITS) NA1993 PGIII (D001) ERG#27</i>		<i>006</i> DM	<i>000.76</i>	<i>G</i>	<i>D001</i>
b.					
c.					
d.					
J. Additional Descriptions for Materials Listed Above <i>I (A) D039 D018</i>		K. Handling Codes for Wastes Listed Above			
15. Special Handling Instructions and Additional Information <i>ITEM 6 MI/ILD051060408 EMERGENCY RESP# 708-888-4660 24 HR SKDOT# A 501 B C D</i>		<i>9301 48743258 619400 5-176-01-5079 10</i>			
16. GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national governmental regulations and according to the requirements of the Wisconsin Department of Natural Resources. If I am a large quantity generator, I also certify that I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment.					
OR, if I am a small quantity generator, I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford.					
Printed/Typed Name & Position Title <i>TAN M. LEWIS</i>		Signature <i>Tan M. Lewis</i>		Date <i>01/06/93</i>	
17. TRANSPORTER 1 Acknowledgement of Receipt of Materials		Signature <i>Edward J. Hunt</i>		Date <i>01/06/93</i>	
Printed/Typed Name & Position Title <i>Edward J. Hunt</i>		Signature		Date	
18. TRANSPORTER 2 Acknowledgement of Receipt of Materials		Signature		Date	
Printed/Typed Name & Position Title		Signature		Date	
19. Discrepancy Indication Space <i>Loc 1 EPA # should read MI 0981192628 1974 = 6765, #1 C1A1 1974 = 6765</i>					
20. FACILITY OWNER OR OPERATOR: Certification of receipt of hazardous materials covered by this manifest except as noted in Item 19.					
Printed/Typed Name & Position Title <i>Jack P. ...</i>		Signature <i>Jack P. ...</i>		Date <i>01/06/93</i>	

PA m 8700-22 (Rev. 9-88) Previous editions are obsolete.

Copy Distribution:

1 - Generator send to Wis. DNR

4 - Facility retain

Emergency 24 Hour Assistance Telephone Number

1 Wisconsin (800) 266-3232

Outside Wisconsin (800) 424-6802

COPY 1

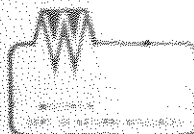
Copies 1 & 2 sent to Wis. DNR at above address.

FACILITY SEND TO WIS. DNR

5 - Facility send to Generator

6 - Transporter retain

SEE INSTRUCTIONS ON REVERSE SIDE



STATE OF WISCONSIN

Chapter 144, Wis. Stats.
Form 4400-66P

Rev. 12/91

State of Wisconsin
Department of Natural Resources
Bureau of Solid Waste Mgt.
Box 8094
Madison, Wisconsin 53708

FOR DNR USE ONLY

Print or type. Form designed for use on elite (12-pitch) typewriter.

Form Approved OMB No. 2050-0037 Expires 9/30/95

UNIFORM HAZARDOUS
WASTE MANIFEST

1. Generator's USEPA ID No.

Manifest
Document No.

2. Page 1

Information in the shaded areas
is not required by Federal law.

3. Generator's Name and Mailing Address

MANISTIQUE PAPER

400 S. JACKSON AVE.

MANISTIQUE

MTG 00000798

MI 49854

ATTN: JIM COOK

MI 49854

4. Generator's Phone (908) 41-0175

5. Transporter 1 Company Name

SAFETY-KLEEN CORP

7. Transporter 2 Company Name

6. US EPA ID Number

WID 981187297

8. US EPA ID Number

10. US EPA ID Number

WID 981187297

9. Designated Facility Name and Site Address

SAFETY-KLEEN CORP

2100 BADGER ROAD

KAUKAUNA, WI 54130

5-176-01

A. State Manifest Document Number

WIS 0354156

B. State Generator's ID

C. State Transporter's ID

D. Transporter's Phone 414 766-4266

E. State Transporter's ID

F. Transporter's Phone

G. State Facility's ID

H. Facility's Phone 414 766-4266

11. US DOT Description (Including Proper Shipping Name, Hazard Class, and ID Number)

12. Containers
No. Type13. Total
Quantity14. Unit
Weigh

1. Waste No.

a. WASTE PETROLEUM NAPHTHA
COMBUSTIBLE LIQUID UN 255 (DO01) (ERG #27)

4

DM

3 p 3

DO01 H

J. Additional Descriptions for Materials Listed Above

1(A) DO09 DO18

K. Handling Codes for Wastes Listed Above

15. Special Handling Instructions and Additional Information

EPA 117-11LD05/0404

EMERGENCY RESP# 708-HDB-4460 24 HR

SKDOT# A

301 B

C

D

16. GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national governmental regulations and according to the requirements of the Wisconsin Department of Natural Resources. If I am a large quantity generator, I also certify that I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment.

OR, if I am a small quantity generator, I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford.

Printed/Typed Name & Position Title

Signature

Date
Month Day Year
11-7-92

17. TRANSPORTER 1 Acknowledgement of Receipt of Materials

Printed/Typed Name & Position Title

Signature

Date
Month Day Year
05-29-92

18. TRANSPORTER 2 Acknowledgement of Receipt of Materials

Printed/Typed Name & Position Title

Signature

Date
Month Day Year

19. Discrepancy Indication Space

20. FACILITY OWNER OR OPERATOR: Certification of receipt of hazardous materials covered by this manifest except as noted in 19a, 19b.

Printed/Typed Name & Position Title

Signature

Date
Month Day Year
05-27-92

EPA Form 4005-22 (Rev. 9-85) Previous editions are obsolete.

Copy Distribution:

1 - Generator send to Wis. DNR

4 - Facility retain

2 - Generator retain

5 - Facility send to Generator

3 - Facility send to Wis. DNR

6 - Transporter retain

Emergency 24 Hour Assistance Telephone Number

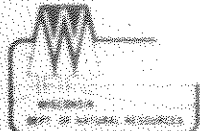
In Wisconsin

(800) 256-3232

Outside Wisconsin

(800) 424-6802

Copies 1 & 2 mail to Wis. DNR at above address.



5-176-01

DNR USE ONLY

Please print or type. Form designed for use on elite (11 pin) dot matrix printer.

Form Approved OMB No. 2050-0039 Expires 9-30-92

UNIFORM HAZARDOUS WASTE MANIFEST		1. Generator's US EPA ID No. WID 0000000000	Manifest Document No. 42004	2. Page 1 of 1	Information in the shaded areas is not required by Federal law
3. Generator's Name and Mailing Address MANISTIQUE PAPERS 453 S MACKINAC AVE MANISTIQUE 4. Generator's Phone (906) 341-2175		ATTN JIM COOK MI 49854		A. State Facility Document Number WI 0355766	
5. Transporter 1 Company Name SAFETY-KLEEN CORP		6. US EPA ID Number WID 981187297		C. State Transporter's ID	
7. Transporter 2 Company Name		8. US EPA ID Number		D. Transporter's Phone 414 766-4266	
9. Designated Facility Name and Site Address SAFETY-KLEEN CORP 2100 BADGER ROAD KAUKAUNA, WI 54130		10. US EPA ID Number WID 981187297		E. State Transporter's ID	
				F. Transporter's Phone	
				G. State Facility's ID	
				H. Facility's Phone 414 766-4266	
11. US DOT Description (Including Proper Shipping Name, Hazard Class, and ID Number)		12. Containers No.	Type	13. Total Quantity	14. Unit Wt/Vol
a. WASTE PETROLEUM NAPHTHA COMBUSTIBLE LIQUID UN1255 (D001) (ERG #27)		047	DM	255.611	P
b.					
c.					
d.					
15. Additional Descriptions for Materials Listed Above I (A) D039 D018		K. Handling Codes for Wastes Listed Above			
16. Special Handling Instructions and Additional Information ITEM 6 MI/ILD051060408 EMERGENCY RESP#1-708-888-4660 24 HR SKDOT# A		9230 42161206 442004 5-176-01-5079 10 501 B C D			
17. GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national governmental regulations and according to the requirements of the Wisconsin Department of Natural Resources. If I am a large quantity generator, I also certify that I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment. OR, if I am a small quantity generator, I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford.					
Printed/Typed Name & Position Title Brian Brown		Signature Brian Brown		Date 07/22/92	
17. TRANSPORTER 1 Acknowledgement of Receipt of Materials Printed/Typed Name & Position Title Edward C. Hunt		Signature Edward C. Hunt		Date 07/22/92	
18. TRANSPORTER 2 Acknowledgement of Receipt of Materials Printed/Typed Name & Position Title		Signature		Date	
19. Discrepancy Indication Space					
20. FACILITY OWNER OR OPERATOR: Certification of receipt of hazardous materials covered by this manifest except as noted in Item 19 Printed/Typed Name & Position Title Signature Date 07/22/92					

EPA Form 8700-22 (Rev. 9-88) Previous editions are obsolete.

Copies Distribution:

1 - Generator send to Wis. DNR

2 - Generator retain

3 - Facility send to Wis. DNR

4 - Facility retain

5 - Facility send to Generator

6 - Transporter retain

Emergency 24 Hour Assistance Telephone Number

In Wisconsin (800) 366-3232

Outside Wisconsin (800) 424-4802

Copies 1 & 3 mail to Wis. DNR at above address.



FOR DNR USE ONLY

Please print or type. Form designed for use on elite (12 pitch) typewriter.

Form Approved OMB No. 2050-0029 Expires 9-30-92

UNIFORM HAZARDOUS WASTE MANIFEST		1. Generator's US EPA ID No. MI 000007988	Manifest Document No. 72009	2. Page 1 of 1	Information in the shaded areas is not required by Federal law
3. Generator's Name and Mailing Address MANISTIQUE PAPERS 453 S MACKINAC AVE MANISTIQUE MI 49854		4. Generator's Phone (906) 341-2175		A. State Manifest Document Number WI 0357580	
5. Transporter 1 Company Name SAFETY-KLEEN CORP		6. USEPA ID Number WID 981187297		C. State Transporter's ID	
7. Transporter 2 Company Name		8. USEPA ID Number		D. Transporter's Phone 414 766-4266	
9. Designated Facility Name and Site Address SAFETY-KLEEN CORP 5-176-01 2100 BADGER ROAD KAUKAUNA WI 54130		10. USEPA ID Number WID 981187297		E. State Transporter's ID	
				F. Transporter's Phone	
				G. State Facility's ID	
				H. Facility's Phone 414 766-4266	
11. US DOT Description (Including Proper Shipping Name, Hazard Class, and ID Number)		12. Containers No.	Type	13. Total Quantity	14. Unit Wt/Vol
a. WASTE COMBUSTIBLE LIQUID, N.O.S. (MINERAL SPIRITS) NA1993 PGIII (D001) b. (ERG27)		0,0,0	DM	004.75	P
J. Additional Descriptions for Materials Listed Above I (A) D039 D018		K. Handling Codes for Wastes Listed Above			
15. Special Handling Instructions and Additional Information ITEM 6 MI/ILD051060408 EMERGENCY RESP#1-708-888-4660 24 HR SKDOT# A 501 B C D		9238 44372506 172009 5-176-01-5079 10			
16. GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national governments' regulations and according to the requirements of the Wisconsin Department of Natural Resources. If I am a large quantity generator, I also certify that I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment.					
OR, if I am a small quantity generator, I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford.					
Printed/Typed Name & Position Title JAN REQUE SORES		Signature Jan Reque		Date 02/16/92	
17. TRANSPORTER 1 Acknowledgement of Receipt of Materials Printed/Typed Name & Position Title Edward C. Hartney		Signature Edward C. Hartney		Date 02/16/92	
18. TRANSPORTER 2 Acknowledgement of Receipt of Materials Printed/Typed Name & Position Title		Signature		Date	
19. Discrepancy Indication Space					
20. FACILITY OWNER OR OPERATOR Certification of receipt of hazardous materials covered by this manifest except as noted in Item 15					
Printed/Typed Name & Position Title		Signature		Date 02/16/92	

A. 8700-22 (Rev. 9-88) Previous editions are obsolete.

Copy Distribution

1 - Generator send to Wis. DNR

4 - Facility retain

2 - Generator retain

5 - Facility send to Generator

3 - Facility send to Wis. DNR

6 - Transporter retain

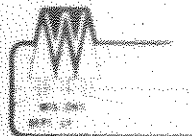
Emergency 24 Hour Assistance Telephone Number

Wisconsin (800) 266-3232

Inside Wisconsin (800) 424-4802

Copies 1 & 3 mail to Wis. DNR at above address.

SEE IN



FMS 100-108 (Rev. 10-80)

FUSE ONLY

Please print or

OMB No. 2050-0029 Expires 9-30-90

MID 981 172 628

UNIFORM HAZARDOUS WASTE MANIFEST		1. Generator's US EPA ID No. MI0 000007768	Manifest Document No. 33876	2. Page 1 of 1	Information in the shaded areas is not required by Federal law	
3. Generator's Name and Mailing Address MANISTIQUE PAPERS ATTN JIM COOK MANISTIQUE		453 S HACKINAC AVE MI 49854		A. State Manifest Document Number WI 0360151		
4. Generator's Phone 906 341-2175		6. US EPA ID Number WID 981187297		C. State Transporter's ID		
5. Transporter 1 Company Name SAFETY-KLEEN CORP		8. US EPA ID Number		D. Transporter's Phone 414 766-4266		
7. Transporter 2 Company Name		10. US EPA ID Number WID 981187297		E. State Transporter's ID		
9. Designated Facility Name and Site Address SAFETY-KLEEN CORP 2100 BADGER ROAD KAUKAUNA, WI 54130		5-176-01		F. Transporter's Phone		
				G. State Facility's ID		
				H. Facility's Phone 414 766-4266		
11. US DOT Description (Including Proper Shipping Name, Hazard Class, and ID Number)		12. Containers No. Type	13. Total Quantity	14. Unit Wt/Vol	1. Waste No.	
a. WASTE PETROLEUM NAPHTHA COMBUSTIBLE LIQUID UN1255(D001)(ERG #27)		008 DM	20647		D001 H	
b.						
c.						
d.						
J. Additional Description for Materials Listed Above I(A) D039 D018		K. Handling Codes for Wastes Listed Above				

15. Special Handling Instructions and Additional Information **9214 38056651 933896 5-176-01-5079 10**
ITEM 6 MI/ILD051060408
EMERGENCY RESP#1-708-886-4660 24 HR
SKDOT# A: 501 B: C: D:

16. GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national governmental regulations and according to the requirements of the Wisconsin Department of Natural Resources. If I am a large quantity generator, I also certify that I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment.

OR, if I am a small quantity generator, I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford.

Printed/Typed Name & Position Title JAN REGUE	Signature <i>Jan Regue</i>	Date Month Day Year 04/01/92
17. TRANSPORTER 1 Acknowledgement of Receipt of Materials Printed/Typed Name & Position Title Edward C. Hawley	Signature <i>Edward C. Hawley</i>	Date Month Day Year 04/01/92
18. TRANSPORTER 2 Acknowledgement of Receipt of Materials Printed/Typed Name & Position Title	Signature	Date Month Day Year

19. Discrepancy Indication Space

20. FACILITY OWNER OR OPERATOR Certification of receipt of hazardous materials covered by this manifest except as noted in Item 19

Printed/Typed Name & Position Title	Signature	Date Month Day Year 04/01/92
-------------------------------------	-----------	---

A Form 8700-22 (Rev. 9-88) Previous editions are obsolete.

Copy Distribution:

- 1 - Generator send to Wis. DNR
- 2 - Generator retain
- 3 - Facility send to Wis. DNR

- 4 - Facility retain
- 5 - Facility send to Generator
- 6 - Transporter retain

Emergency 24 Hour Assistance Telephone Number

Wisconsin (800) 256-3232
 Outside Wisconsin (800) 424-8802

COPY 3 -

Copies 1 & 2 sent to Wis. DNR at above address.

FACILITY SEND TO WIS. DNR



Please print or type. Form designed for use on onto (12-pitch) typewriter.

Form Approved OMB No. 2060-0039 Expires 9-30-94

UNIFORM HAZARDOUS WASTE MANIFEST		1. Generator's US EPA ID No. MI 000007988	Manifest Document No. 252790	2. Page 1 of 1	Information in the shaded areas is not required by Federal law.	
3. Generator's Name and Mailing Address MANISTIQUE PAPERS 453 S MACKINAC AVE MANISTIQUE MI 49854 4. Generator's Phone (906) 341-2175			ATTN JIM COOK		A. State Manifest Document Number WI 0403961	
5. Transporter 1 Company Name SAFETY-KLEEN CORP			6. US EPA ID Number WID 981187297		C. State Transporter's ID	
7. Transporter 2 Company Name			8. US EPA ID Number		D. Transporter's Phone 414 766-4266	
9. Designated Facility Name and Site Address SAFETY-KLEEN CORP. 2100 BADGER ROAD KAUKAUNA WI 54130			10. US EPA ID Number WID 981187297		E. State Transporter's ID	
					F. Transporter's Phone	
					G. State Facility's ID	
					H. Facility's Phone 414 766-4266	
11. US DOT Description (Including Proper Shipping Name, Hazard Class, and ID Number)			12. Containers No.	Type	13. Total Quantity	14. Unit Wt/Vol
a. R4 WASTE COMBUSTIBLE LIQUID, N.O.S. (PETROLEUM NAPHTHA) NA1993 PG111(D001) ERG#27			007	DM	00097	0
c.						
d.						
J. Additional Descriptions for Materials Listed Above I(A) D034 D018 (A) 6.7 LBS/GAL			K. Handling Codes for Wastes Listed Above			
15. Special Handling Instructions and Additional Information ITEM 6 MI/ILD051060408 EMERGENCY RESP#1-708-888-4660 24 HR SKDOT# A: 501 B: C: D:			9309 51057743 252790 5-176-01-5079 10			
16. GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national governmental regulations and according to the requirements of the Wisconsin Department of Natural Resources. If I am a large quantity generator, I also certify that I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment; OR, if I am a small quantity generator, I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford.						
Printed/Typed Name & Position Title TAN KEOVE STORES			Signature [Signature]		Date 03/19/94	
17. TRANSPORTER 1 Acknowledgement of Receipt of Materials Printed/Typed Name & Position Title Edward C. Hunt, Jr.			Signature [Signature]		Date 03/19/94	
18. TRANSPORTER 2 Acknowledgement of Receipt of Materials Printed/Typed Name & Position Title			Signature		Date	
19. Discrepancy Indication Space						
20. FACILITY OWNER OR OPERATOR Certification of receipt of hazardous materials covered by this manifest except as noted in Item 19. Printed/Typed Name & Position Title [Signature]						
Signature [Signature]			Signature [Signature]		Date 03/19/94	

EPA Form 8700-12 Rev. 9-88 Previous editions are obsolete.

Copy Distribution:

1 - Generator send to Wis. DNR

4 - Facility retain

Emergency 24 Hour Assistance Telephone Number

In Wisconsin

(608) 266-3223

Outside Wisconsin

(800) 424-6802

COPY 3-

Copies 1 & 2 mail to Wis. DNR at above address.

5 - Facility send to Generator

6 - Transporter retain

FACILITY SEND TO WIS. DNR

SEE 1



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ONE USE ONLY

Approved OMB No. 2050-0029. Expires 9-30-94

UNIFORM HAZARDOUS WASTE MANIFEST		WASTE ID	WASTE NO.
3. Generator's Name and Mailing Address MANISTIQUE PAPERS 433 S. MACKINAC AVE MANISTIQUE MI 49834		6. USEPA ID Number WID 981187297	7. Page 1 of 1
4. Generator's Phone (800) 341-2175		8. USEPA ID Number	A. State Manifest Document Number WI 0410367
5. Transporter 1 Company Name SAFETY-KLEEN CORP		10. USEPA ID Number WID 981187297	B. State Generator's ID
7. Transporter 2 Company Name			C. State Transporter's ID
9. Designated Facility Name and Site Address SAFETY-KLEEN CORP 2100 BADGER ROAD KAUKAUNA WI 54130			D. Transporter's Phone 414 766-4266
			E. State Transporter's ID
			F. Transporter's Phone
			G. State Facility's ID
			H. Facility's Phone 414 766-4266
11. US DOT Description (Including Proper Shipping Name, Hazard Class, and ID Number) WASTE COMBUSTIBLE LIQUID, N. D. S. (PETROLEUM NAPHTHA) NA1793 PGII (D001) MERGW27		12. Containers No. Type 001 DM	13. Total Quantity 001.17
			14. Unit Wt/Vol G
			15. Waste No. D001 H
J. Additional Descriptions for Materials Listed Above I(A) D039 D018 (A) 6.7 LBS/GAL		K. Handling Codes for Wastes Listed Above	
15. Special Handling Instructions and Additional Information ITEM 6 MI/ILD051060408 EMERGENCY RESP#1-708-888-4660 24 HR SKDOT# A: 501 B: C: D:			
16. GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national governmental regulations and according to the requirements of the Wisconsin Department of Natural Resources. If I am a large quantity generator, I also certify that I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment; OR, if I am a small quantity generator, I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford.			
Printed/Typed Name & Position Title TAN KEWE		Signature [Signature]	Date 04/28/93
17. TRANSPORTER 1 Acknowledgement of Receipt of Materials Printed/Typed Name & Position Title Edward C Hawtrey		Signature [Signature]	Date 04/28/93
18. TRANSPORTER 2 Acknowledgement of Receipt of Materials Printed/Typed Name & Position Title		Signature	Date
19. Discrepancy Indication Space			
20. FACILITY OWNER OR OPERATOR Certification of receipt of hazardous materials covered by this manifest except as noted in Item 19 Printed/Typed Name & Position Title Dick Reed		Signature [Signature]	Date 04/28/93

Form 8700-22 (Rev. 9-88) Previous editions are obsolete. Copy Distribution: 1 - Generator send to Wis. DNR; 2 - Generator retain; 3 - Facility send to Wis. DNR; 4 - Facility retain; 5 - Facility send to Generator; 6 - Transporter retain.

Emergency 24 Hour Assistance Telephone Number
In Wisconsin (800) 286-3232
Outside Wisconsin (800) 424-6802

COPY 3 - Copies 1 & 3 mail to Wis. DNR at above address.
FACILITY SEND TO WIS. DNR



STATE OF WISCONSIN

Chapter 144, Wis. Stats.
Form 8700-22P

Rev. 10-92

State of Wisconsin
Department of Natural Resources
Bureau of Solid and Hazardous Waste Mgt.
Box 8094
Madison, Wisconsin 53708

FOR ONE USE ONLY

5-176-01

Please print or type. Form designed for use on elite (12-pitch) typewriter.

Form Approved. OMB No. 2050-0039. Expires 9-30-94

UNIFORM HAZARDOUS WASTE MANIFEST		1. Generator's US EPA ID No. WID 981192626		Manifest Document No. 78482	2. Page 1 of 1	Information in the shaded areas is not required by Federal law	
Generator's Name and Mailing Address MINISTIQUE PAPERS 33 S MACKINAC AVE MANISTIQUE MI 49854					ATTN JIM COOK		
4. Generator's Phone 906 341-2173					A. State Manifest Document Number WI 0432807		
5. Transporter 1 Company Name SAFETY-KLEEN CORP.		6. US EPA ID Number WID 981187297		C. State Transporter's ID			
7. Transporter 2 Company Name		8. US EPA ID Number		D. Transporter's Phone 414 766-4266			
9. Designated Facility Name and Site Address SAFETY-KLEEN CORP. 2100 BADGER ROAD KAUKAUNA WI 54130		10. US EPA ID Number WID 981187297		E. State Transporter's ID			
				F. Transporter's Phone			
				G. State Facility's ID			
				H. Facility's Phone 414 766-4266			
11. US DOT Description (Including Proper Shipping Name, Hazard Class, and ID Number)		12. Containers No.	Type	13. Total Quantity	14. Unit Wt/Vol	1. Waste No.	
a. WASTE COMBUSTIBLE LIQUID, N. O. S. (PETROLEUM NAPHTHA) NA1993 PGIII (D001) (ERG027) 6.7 LBS./GAL		022	DM	00016	g	D001 H	
b. RG WASTE COMBUSTIBLE LIQUID, N. O. S. (PETROLEUM NAPHTHA) NA1993 PGIII (D001) (ERG027) 6.7 LBS./GAL		006	DM	00096	g	D001 H	
d.							
J. Additional Descriptions for Materials Listed Above I(A) D039 D018 (A) 6.7 LBS/GAL I(B) D039 D018 (B) 6.7 LBS/GAL					K. Handling Codes for Wastes Listed Above		
15. Special Handling Instructions and Additional Information ITEM 6 MI/ILD051060408 EMERGENCY RESP#1-708-888-4660 24 HR SKDOT# A: 501 B: 585 C: D:							
16. GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national governmental regulations and according to the requirements of the Wisconsin Department of Natural Resources. If I am a large quantity generator, I also certify that I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment; OR, if I am a small quantity generator, I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford.							
Printed/Typed Name & Position Title TAN KEE SINES		Signature <i>Tan Kee Sines</i>		Date 11/14/93			
17. TRANSPORTER 1 Acknowledgement of Receipt of Materials							
Printed/Typed Name & Position Title EDWARD C HAWLEY F.R.		Signature <i>Edward C Hawley</i>		Date 12/1/93			
18. TRANSPORTER 2 Acknowledgement of Receipt of Materials							
Printed/Typed Name & Position Title		Signature		Date			
19. Discrepancy Indication Space							
20. FACILITY OWNER OR OPERATOR: Certification of receipt of hazardous materials covered by this manifest except as noted in Item 19.							
Printed/Typed Name & Position Title JOE R. PETERSON		Signature <i>Joe R. Peterson</i>		Date 10/14/93			

Form 8700-22 (Rev. 9-88) Previous editions are obsolete.

Copy Distribution:

- 1 - Generator send to Wis. DNR
- 2 - Generator retain
- 3 - Facility send to Wis. DNR

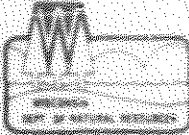
- 4 - Facility retain
- 5 - Facility send to Generator
- 6 - Transporter retain

24 Hour Assistance Telephone Number
Wisconsin (608) 266-3232
Outside Wisconsin (800) 424-8502

COPY 3-

Copies 1 & 2 mail to Wis. DNR at above address.

FACILITY SEND TO WIS. DNR



STATE OF WISCONSIN

Chapter 144, Wis. Stats.
Form 4400-68P

Rev. 10-92

State of Wisconsin
Department of Natural Resources
Bureau of Solid and Hazardous Waste Mgt.
Box 8094
Madison, Wisconsin 53708

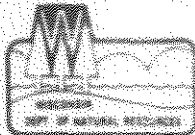
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5-174-01

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Form Approved OMB No. 2050-0029. Expires 2-30-94

UNIFORM HAZARDOUS WASTE MANIFEST		1. Generator's US EPA ID No. WID 981192628	Manifest Document No. 569203	2. Page 1 of 1	Information in the shaded areas is not required by Federal law.
3. Generator's Name and Mailing Address MANISTIQUE PAPERS 453 S MACKINAC AVE MANISTIQUE MI 49854				A. State Manifest Document Number WIS0443207	
4. Generator's Phone 906 341-2175				B. State Generator's ID	
5. Transporter 1 Company Name SAFETY-KLEEN CORP		6. US EPA ID Number WID 981187297		C. State Transporter's ID	
7. Transporter 2 Company Name		8. US EPA ID Number		D. Transporter's Phone 414 766-4266	
9. Designated Facility Name and Site Address SAFETY-KLEEN CORP 2100 BADGER ROAD KAUKAUNA WI 54130		10. US EPA ID Number WID 981187297		E. State Transporter's ID	
				F. Transporter's Phone	
				G. State Facility's ID	
				H. Facility's Phone 414 766-4266	
11. US DOT Description (Including Proper Shipping Name, Hazard Class, and ID Number)		12. Containers No.	Type	13. Total Quantity	14. Unit w/vol
a. 20 WASTE COMBUSTIBLE LIQUID, N.O.S. (PETROLEUM NAPHTHA) NA1993 PGIII (D001)		20	DM	20	G
b. ERG271 6.7 LBS./GAL					
c.					
d.					
J. Additional Descriptions for Materials Listed Above I (A) D039 D010 (A) 6.7 LBS/GAL				K. Handling Codes for Wastes Listed Above	
15. Special Handling Instructions and Additional Information ITEM 6 MI/ILD051060408 EMERGENCY RESP#1-708-888-4660 24 HR SKDOT# A 501 B: C D					
16. GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national governmental regulations and according to the requirements of the Wisconsin Department of Natural Resources. If I am a large quantity generator, I also certify that I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment. OR, if I am a small quantity generator, I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford.					
Printed/Typed Name & Position Title JAN KEENE STOKES		Signature <i>[Signature]</i>		Date 6/1/93	
17. TRANSPORTER 1 Acknowledgement of Receipt of Materials Printed/Typed Name & Position Title Edward CHAW-REY		Signature <i>[Signature]</i>		Date 06/13/93	
18. TRANSPORTER 2 Acknowledgement of Receipt of Materials Printed/Typed Name & Position Title		Signature		Date	
19. Discrepancy Indication Space					
20. FACILITY OWNER OR OPERATOR Certification of receipt of hazardous materials covered by this manifest, except as noted in item 15. Printed/Typed Name & Position Title <i>[Signature]</i>					
Signature <i>[Signature]</i>		Date 06/23/93			



STATE OF WISCONSIN

Chapter 144, Wis. Stats.
Form 4800-88P

Rev. 10-92

State of Wisconsin
Department of Natural Resources
Bureau of Solid and Hazardous Waste Mgt.
Box 8094
Madison, Wisconsin 53708

FOR DNR USE ONLY

5-176-01

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Form Approved OMB No. 2050-0039 Expires 9-30-

UNIFORM HAZARDOUS WASTE MANIFEST		1. Generator's US EPA ID No. WID 981187297	Manifest Document No. 38430	2. Page 1 of 1	Information in the shaded area is not required by Federal law.
3. Generator's Name and Mailing Address MANISTIQUE PAPERS 453 S MACKINAC AVE MANISTIQUE 4. Generator's Phone 906/341-2175		ATTN JIM COOK MI 49854		A. State Manifest Document Number WI30446270	
5. Transporter 1 Company Name SAFETY-KLEEN CORP.		6. US EPA ID Number WID 981187297		C. State Transporter's ID	
7. Transporter 2 Company Name		8. US EPA ID Number		D. Transporter's Phone 414 766-4266	
9. Designated Facility Name and Site Address SAFETY-KLEEN CORP. 2100 BADGER ROAD KAUKAUNA WI 54130		10. US EPA ID Number WID 981187297		E. State Transporter's ID	
				F. Transporter's Phone	
				G. State Facility's ID	
				H. Facility's Phone 414 766-4266	
11. US DOT Description (Including Proper Shipping Name, Hazard Class, and ID Number)		12. Containers No. Type	13. Total Quantity	14. Unit Wt/Vol	15. Waste No.
a. WASTE COMBUSTIBLE LIQUID, N. O. S. (PETROLEUM NAPHTHA) NA1993 PGIII (D001) ERG#27) 6.7 LBS./GAL		008 DM	00084	G	D001 H
b. WASTE COMBUSTIBLE LIQUID, N. O. S. (PETROLEUM NAPHTHA) NA1993 PGIII (D001) ERG#27) 6.7 LBS./GAL		001 DM	00016	G	D001 H
c.					
J. Additional Descriptions for Materials Listed Above		K. Handling Codes for Wastes Listed Above			
I (A) D039 D018 (A) 6.7 LBS/GAL					
I (B) D039 D018 (B) 6.7 LBS/GAL					
15. Special Handling Instructions and Additional Information		9333 57851339 238430 5-176-01-3079 10			
ITEM 6 MI/ILD051060408 EMERGENCY RESP#1-708-888-4660 24 HR SKDOT# A: 501 B: 385 C: D:					
16. GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national governmental regulations and according to the requirements of the Wisconsin Department of Natural Resources. If I am a large quantity generator, I also certify that I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment.					
OR, if I am a small quantity generator, I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford.					
Printed/Typed Name & Position Title JIM M. KEDE STEES		Signature Jim M. Kede Stees		Date 02/10/93	
17. TRANSPORTER 1 Acknowledgement of Receipt of Materials Printed/Typed Name & Position Title Edward C. Hunt		Signature Edward C. Hunt		Date 02/10/93	
18. TRANSPORTER 2 Acknowledgement of Receipt of Materials Printed/Typed Name & Position Title		Signature		Date	
19. Discrepancy Indication Space					
20. FACILITY OWNER OR OPERATOR Certification of receipt of hazardous materials covered by this manifest except as noted in Item 19					
Printed/Typed Name & Position Title Mark P. [Signature]		Signature Mark P. [Signature]		Date 02/10/93	

EPA Form 8700-22 (Rev. 9-88) Previous editions are obsolete.

Copy Distribution: 1 - Generator send to Wis. DNR

4 - Facility retain

Emergency 24 Hour Assistance Telephone Number

In Wisconsin (608) 266-3332

Outside Wisconsin (800) 424-6802

COPY 3-

Copies 1 & 2 mail to Wis. DNR at above address.

FACILITY SEND TO WIS. DNR

5 - Facility send to Genesee

6 - Transporter retain



Form designed for

USE ONLY

UNIFORM HAZARDOUS WASTE MANIFEST		1. Generator's US EPA ID No. WID 981192628	Manifest No. 90780	2. Page 1 of 1	Information in the shaded areas is not required by Federal law.
3. Generator's Name and Mailing Address MANISTIQUE PAPERS 453 S MACHINAC AVE MANISTIQUE MI 49854		Site Location If Different ATTN JIM COOK MI 49854		A. Use of Manifest Document Number WID 981192628	
4. Generator's Phone (906) 341-2175				B. State Generator's ID	
5. Transporter 1 Company Name SAFETY-KLEEN CORP.		6. US EPA ID Number WID 981187297		C. State Transporter's ID	
7. Transporter 2 Company Name		8. US EPA ID Number		D. Transporter's Phone 414 766-4266	
9. Designated Facility Name and Site Address SAFETY-KLEEN CORP. 2100 BADGER ROAD KAUKAUNA, WI 54130		10. US EPA ID Number WID 981187297		E. State Transporter's ID	
				F. Transporter's Phone	
				G. State Facility's ID	
				H. Facility's Phone 414 766-4266	
11. US DOT Description (Including Proper Shipping Name, Hazard Class, and ID Number)		12. Containers No. Type	13. Total Quantity	14. Unit Weights	15. Waste No.
a. WASTE COMBUSTIBLE LIQUID, N.O.S. (PETROLEUM NAPHTHA) NA1993 PGIII (D001, D018, D039) (ERG#27) 6.7 LBS/GAL		003 DM	00029		D001 H
b. RG WASTE COMBUSTIBLE LIQUID, N.O.S. (PETROLEUM NAPHTHA) NA1993 PGIII (D001, D018, D039) (ERG#27) 6.7 LBS/GAL		005 DM	00075		D001 H
c.					
d.					
J. Additional Descriptions for Materials Listed Above I(A) D039 D018 (A) 6.7 LBS/GAL I(B) D039 D018 (B) 6.7 LBS/GAL		K. Handling Codes for Wastes Listed Above			
15. Special Handling Instructions and Additional Information ITEM 6 MI/ILD051060408 EMERGENCY RESP#1-708-888-4660 24 HR SKDOT# A: 501 B: 585 C: D:		9413 66097627 790780 5-176-01-5079 10			
16. GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national governmental regulations and according to the requirements of the Wisconsin Department of Natural Resources. If I am a large quantity generator, I also certify that I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment.					
OR, if I am a small quantity generator, I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford.					
Printed/Typed Name & Position Title BRUCE NORMAN, Purchasing		Signature <i>Bruce Norman</i>		Date 03/27/94	
17. TRANSPORTER 1 Acknowledgement of Receipt of Materials Printed/Typed Name & Position Title Edward Chertok, Jr.		Signature <i>Edward Chertok, Jr.</i>		Date 03/29/94	
18. TRANSPORTER 2 Acknowledgement of Receipt of Materials Printed/Typed Name & Position Title		Signature		Date	
19. Discrepancy Indication Space					
20. FACILITY OWNER OR OPERATOR: Certification of receipt of hazardous materials covered by this manifest except as noted in Item 19. Printed/Typed Name & Position Title Dick		Signature <i>Dick</i>		Date 03/29/94	

EPA Form 8700-22 (Rev. 8/88) Previous editions are obsolete.

Copy Distribution:

- 1 - Generator send to Wis. DNR
- 2 - Generator retain
- 3 - Facility send to Wis. DNR
- 4 - Facility retain
- 5 - Facility send to Gener.
- 6 - Transporter retain

Emergency 24 Hour Assistance Telephone Number
In Wisconsin (800) 296-6332
Outside Wisconsin (800) 424-5302

FACILITY SEND TO WIS. DNR

Copies 1 & 3 mail to Wis. DNR at above address.

SEE INST



0000 0624 0225

DNR USE ONLY

Form designed for use on elite (12-pitch) typewriter.

Form Approved. OMB No. 2050-0039. Expires 9-30-94

UNIFORM HAZARDOUS WASTE MANIFEST		1. Generator's US EPA ID No. MID 017155557	Manifest Document No. 08180	2. Page 1 of 1	Information in the shaded areas is not required by Federal law.	
3. Generator's Name and Mailing Address NELSON CHEVY-OLDS HWY 41 NEGAUNEE MI 49866		Site Location If Different		A. State Manifest Document Number WI0507888		
4. Generator's Phone (906) 475-9941		6. US EPA ID Number WID 981187297		B. State Generator's ID		
5. Transporter 1 Company Name SAFETY-KLEEN CORP.		8. US EPA ID Number		C. State Transporter's ID		
7. Transporter 2 Company Name		10. US EPA ID Number WID 981187297		D. Transporter's Phone 414 766-4266		
9. Designated Facility Name and Site Address SAFETY-KLEEN CORP. 2100 BADGER ROAD KAUKAUNA, WI 54130		11. US DOT Description (Including Proper Shipping Name, Hazard Class, and ID Number) a. RO WASTE COMBUSTIBLE LIQUID, N.O.S. (PETROLEUM NAPHTHA) NA1993 PGIII (8001, 8010, 8037) (ERG27) 6.7 LBS/GAL		E. State Transporter's ID		
				F. Transporter's Phone		
				G. State Facility's ID		
				H. Facility's Phone 414 766-4266		
		12. Containers No. Type 001 DM		I. Waste No. 0001		
				J. Additional Descriptions for Materials Listed Above I(A) D039 D018 (A) 6.7 LBS/GAL		
				K. Handling Codes for Wastes Listed Above		
15. Special Handling Instructions and Additional Information ITEM 6 MI/ILDO51060408 EMERGENCY RESP#1-708-888-4660 24 HR SKDOT# A: 585 B: C: D:		16. GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national governmental regulations and according to the requirements of the Wisconsin Department of Natural Resources. If I am a large quantity generator, I also certify that I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment; OR, if I am a small quantity generator, I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford.				
Printed/Typed Name & Position Title John S. Hara Service Advisor		Signature <i>John S. Hara</i>		Date Month Day Year 6/23/94		
17. TRANSPORTER 1 Acknowledgement of Receipt of Materials Printed/Typed Name & Position Title MARK WEILAND SALES		Signature <i>Mark Weiland</i>		Date Month Day Year 6/23/94		
18. TRANSPORTER 2 Acknowledgement of Receipt of Materials Printed/Typed Name & Position Title		Signature		Date Month Day Year		
19. Discrepancy Indication Space						
20. FACILITY OWNER OR OPERATOR: Certification of receipt of hazardous materials covered by this manifest except as noted in Item 19. Printed/Typed Name & Position Title Diane Hoffmann						
Signature <i>Diane Hoffmann</i>		Date Month Day Year 6/25/94				

PA Form 5700-22 (Rev. 9-88) Previous editions are obsolete.

Copy Distribution:

- 1 - Generator send to Wis. DNR
- 2 - Generator retain
- 3 - Facility send to Wis. DNR

- 4 - Facility retain
- 5 - Facility send to Generator
- 6 - Transporter retain

Emergency 24 Hour Assistance Telephone Number
 Wisconsin (800) 280-3232
 Outside Wisconsin (800) 424-8805

COPY 3-
 FACILITY SEND TO WIS. DNR

Copies 1 & 2 send to Wis. DNR at above address.

SEE IN



FOR DNR USE ONLY

Form designed for use on site (12-plate) typewriter.

Form approved by EPA No. 1000-0000, Expires 9-30-94

UNIFORM HAZARDOUS WASTE MANIFEST		1. Generator's US EPA ID No. WID 981173428	2. Manifest No. 000000	3. Page 1 of 1	Information in the shaded space is not required by Federal law.
4. Generator's Name and Mailing Address MANISTIQUE PAPERS 453 S. MACKINAC AVE MANISTIQUE MI 49834 4. Generator's Phone (906) 341-2175		5. Site Location if Different		A. Manifest Number WID008362 B. State Generator's ID	
6. Transporter 1 Company Name SAFETY-KLEEN CORP.		8. US EPA ID Number WID 981187297		C. State Transporter's ID D. Transporter's Phone 414 766-4266	
7. Transporter 2 Company Name		9. US EPA ID Number		E. State Transporter's ID F. Transporter's Phone	
9. Designated Facility Name and Site Address SAFETY-KLEEN CORP. 2100 BADGER ROAD KAUKAUNA, WI 54130		10. US EPA ID Number WID 981187297		G. State Facility's ID H. Facility's Phone 414 766-4266	
11. US DOT Description (Including Proper Shipping Name, Hazard Class, and ID Number)		12. Containers No.	13. Type	14. Total Quantity	15. Unit Weight
a. WASTE COMBUSTIBLE LIQUID, N.O.S. (PETROLEUM NAPHTHA) NA1993 POIII (DO01, DO04, DO08, DO18, DO33, DO40)		003	DM	90029	0001 H
b. RO WASTE COMBUSTIBLE LIQUID, N.O.S. (PETROLEUM NAPHTHA) NA1993 POIII (DO01, DO08, DO08, DO18, DO33, DO39, DO40)		025	DM	22382	0001 H
c.					
d.					
J. Additional Descriptions for Materials Listed Above I(A) DO39 DO18 I(B) DO39 DO18		K. Handling Codes for Wastes Listed Above (A) DO04, DO08, DO33, DO40, 4, 780 (B) DO04, DO08, DO33, DO40, 4, 780			
16. Special Handling Instructions and Additional Information ITEM 4 MI/ILDO51060408 EMERGENCY RESP 91-708-888-4660 24 HR BKDOT# A: 501 B: 585 C: D:		9429 70240379 006828 5-176-01-5079 10			
18. GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national governmental regulations and according to the requirements of the Wisconsin Department of Natural Resources. If I am a large quantity generator, I also certify that I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment.					
OR, if I am a small quantity generator, I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford.					
Printed/Typed Name & Position Title GRANT TAYLOR PLANNER		Signature Grant Taylor		Date 07/19/94	
17. TRANSPORTER 1 Acknowledgment of Receipt of Materials Printed/Typed Name & Position Title Edward J. Hawley Jr.		Signature Edward J. Hawley Jr.		Date 07/19/94	
18. TRANSPORTER 2 Acknowledgment of Receipt of Materials Printed/Typed Name & Position Title		Signature		Date	
19. Discrepancy Indication Space Date on Line 16 Should Read 07/19/94					
20. FACILITY OWNER OR OPERATOR: Certification of receipt of hazardous materials covered by this manifest except as noted in Item 19.					
Printed/Typed Name & Position Title Diane Hoffman		Signature Diane Hoffman		Date 07/19/94	

EPA Form 100-02 (Rev. 9-88) Previous editions are obsolete.

Copy Distribution:

1 - Generator copies via DNR

4 - Facility retain

2 - Generator retain

5 - Facility send to Generator

3 - Facility send to Wis. DNR

6 - Transporter retain

Copies 1 & 3 sent to Wis. DNR at above address.

Emergency 24 Hour Assistance Telephone Number

In Wisconsin

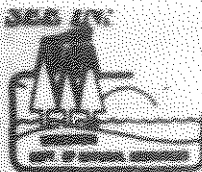
(800) 886-6822

COPY 3

Outside Wisconsin

(800) 434-6035

FACILITY SEND TO: WIS. DNR



FOR DNR USE ONLY

Form designed for use on 8 1/2 (12-pitch) typewriter.

Form Approved OMB No. 2060-0089, Expires 9-30-94

UNIFORM HAZARDOUS WASTE MANIFEST		1. Generator's US EPA ID No. HID 981192628	Master Document No. 9-768	2. Page 1 of 1	Information in the shaded areas is not required by Federal law.
3. Generator's Name and Mailing Address THURSTON PAPER CO. 453 S RACKINAC AVE MANISTIQUE MI 49854		5a. Location If Different		A. State Manifest Document Number WI0518230	
4. Generator's Phone 906 341-2175				B. State Generator's ID	
6. Transporter 1 Company Name SAFETY-KLEEN CORP.		8. US EPA ID Number WID 981187297		C. State Transporter's ID	
7. Transporter 2 Company Name		9. US EPA ID Number		D. Transporter's Phone 414 768-3400	
8. Destination Facility Name and Site Address SAFETY-KLEEN CORP. 2100 BADGER ROAD KAUWAIA MI 54130		10. US EPA ID Number WID 981187297		E. State Transporter's ID	
				F. Transporter's Phone	
				G. State Facility's ID	
				H. Facility's Phone 414 768-3400	
11. US DOT Description (Including Proper Shipping Name, Hazard Class, and ID Number)		12. Containers No. Type	13. Total Quantity	14. Unit Wt/Vol	15. Waste No.
a. WASTE COMBUSTIBLE LIQUID, N.O.S. (PETROLEUM NAPHTHA) NA1993 PGIII(D001) (D004, D008, D018, D035, D039, D040) (ERG27)		004 DM	00049	g	D001
b. RS WASTE COMBUSTIBLE LIQUID, N.O.S. (PETROLEUM NAPHTHA) NA1993 PGIII(D001) (D004, D008, D018, D035, D039, D040) (ERG27)		003 DM	00047	g	D001
c.					
d.					
16. Additional Descriptions for Materials Listed Above (A) D004, D008, D035, D040, 6.780 (B) D004, D008, D035, D040, 6.780		K. Handling Codes for Wastes Listed Above			
17. Special Handling Instructions and Additional Information ITEM 6 HI/ILD051060408 EMERGENCY RESP#1-708-888-4460 24 HR SKDOT# A: 501 B: 585 C: D:		9437 72186638 582168 5-176-01-5077 10			
18. GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national governmental regulations and according to the requirements of the Wisconsin Department of Natural Resources. If I am a large quantity generator, I also certify that I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment; OR, if I am a small quantity generator, I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford.					
Signature and Name & Position Title DARRYL CARLSON OILER		Signature Darryl Carlson		Date 09/14/94	
19. TRANSPORTER 1 Acknowledgment of Receipt of Materials Printed/Typed Name & Position Title Edward C. Hunter JR		Signature Edward C. Hunter JR		Date 09/14/94	
20. TRANSPORTER 2 Acknowledgment of Receipt of Materials Printed/Typed Name & Position Title		Signature		Date	
21. Discrepancy Indication Space					
22. FACILITY OWNER OR OPERATOR: Certification of receipt of hazardous materials covered by this manifest except as noted in item 18. Printed/Typed Name & Position Title Dana Hoffman					
Signature Dana Hoffman		Date 09/14/94			
Form 6700-02 (Rev. 9-89) Previous editions are obsolete.					
Emergency 24 Hour Assistance Telephone Number In Wisconsin 800 368-6882 Outside Wisconsin 800 424-6882		COPY 3 FACILITY SEND TO WIS. DNR		Copy Distribution: 1 - Generator send to Wis. DNR 2 - Generator retain 3 - Facility send to Wis. DNR 4 - Facility retain 5 - Facility send to Generator 6 - Transporter retain	

MICHIGAN WATER RESOURCES COMMISSION FACILITY INSPECTION REPORT

FACILITY MANISTIQUE PULP & PAPER CO. • MACKINAC STREET MANISTIQUE MI 49854	REGION 2	DISTR. 5	104	FACILITY 770008	PERMIT MI0003166	RATING ADEQUATE
LAST VISIT						
TYPE 1		DESCRIPTION ENFORCEMENT			DATE 12 / 80	REASON A
OPERATOR - NUMBER CERTIFIED 09/72						
COOK, JAMES J. W000590						
CURRENT VISIT						
REASON A		DATE 013/215/81			FOLLOW-UP DATE	NO. OF VISITS

RATING FOR THIS INSPECTION: *Adequate*

FACILITY CLASSIFICATION: A1B A2A B1A B1B C3A

OPERATOR CLASSIFICATION: A1B A2A A2F A2H B1A B1B B2A B2B C3A

OUTFALL NUMBERS AND DESCRIPTIONS

770008	000	ALL OUTFALLS TOTAL COMBINED
770014	005	PRIMARY TREAT. PAPER MILL TO MANISTIQUE R
770040	008	LOG POND H2O TO MANISTIQUE RIVER
770043	004	NONCONTACT COOL. H2O TO MANISTIQUE RIVER
770044	006	SECOND. TREAT. PAPER MILL TO MANISTIQUE R.

Discussed flow measuring devices for outfall 004.

Looked at sludge disposal area. Very good condition.

INSPECTED BY: *David Williams*

ANY CHANGES REQUIRED IN WISER FILE

MICHIGAN WATER RESOURCES COMMISSION FACILITY INSPECTION REPORT

FACILITY MANISTIQUE PULP & PAPER CO. 5. MACKINAC STREET MANISTIQUE MI 49854	REGION	DISTR.	FACILITY	PERMIT	RATING
	2	5	104	770008	MI0003166
	LAST VISIT				
	TYPE	DESCRIPTION			DATE
	1	ENFORCEMENT			06 / 81
VISIT REASONS A - REGULAR SCHEDULE B - EFFLUENT FAILURE C - COMPLIANCE FAILURE D - REGION REQUEST E - FACILITY REQUEST F - PUBLIC COMPLAINT G - INFORMATION CHANGES H - OTHER	OPERATOR - NUMBER				CERTIFIED 09/72
	COOK, JAMES J.				W000590
	CURRENT VISIT				
	REASON	DATE	FOLLOW-UP DATE		NO. OF VISITS
A	02 / 17 / 82			1	

RATING FOR THIS INSPECTION: *Adequate*
 FACILITY CLASSIFICATION: A1B A2A B1A B1B C3A
 OPERATOR CLASSIFICATION: A1B A2A A2F A2H B1A B1B B2A B2B C3A

OUTFALL NUMBERS AND DESCRIPTIONS

770008	000	ALL OUTFALLS TOTAL COMBINED
770014	005	PRIMARY TREAT. PAPER MILL TO MANISTIQUE R.
770040	008	LOG POND H2O TO MANISTIQUE RIVER
770043	004	NONCONTACT COOL. H2O TO MANISTIQUE RIVER
770044	006	SECOND. TREAT. PAPER MILL TO MANISTIQUE R.

Checked all outfalls and visited sludge disposal site. Discussed cold weather operational problems w/ treatment plant. Discussed installation of new sludge filter press to replace vacuum filters. No problems - everything normal.

INSPECTED BY:

David William

ANY CHANGES REQUIRED IN WISER FILE